

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

**ERIE COUNTY LEGISLATURE**  
**MEETING NO. 23**  
**November 4, 2004**

The Legislature was called to order by Chairman Holt.

All Members Present.

The invocation was led by Sister Nancy Hoff, President Sisters of Mercy.

The Pledge of Allegiance was led by Ms. Cusack.

Item 1 – CHAIRMAN HOLT directed that Comm. 7M-5 (2004) remain on the table.

Item 2 – No items for reconsideration from the previous meeting.

Item 3 – MS. MARINELLI moved the approval of the Minutes for Meeting #21 of 2004. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MARSHALL & McCARVILLE presented a resolution Saluting All Those Who Participated in 2<sup>nd</sup> Annual American Cancer Society "Relay for Life" – Raising Over \$105,677 for Cancer Research. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. McCARVILLE presented a resolution Recognizing Fish, A Food Pantry & Clothing Source for Those in Need, for 30 Years of Service to Our Community. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

---

CARRIED UNANIMOUSLY.

Item 7 – RANZENHOFER, MINORITY CAUCUS presented a resolution Recognizing Marie Rice as She Leaves Channel Four News After 27 Years of Service. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 8 – WEINSTEIN, MINORITY CAUCUS presented a resolution Recognizing November as National Diabetes Month. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. SCHROEDER presented a resolution Honoring Mount Mercy Academy & Mercy Hospital for 100 Years of Service to the Community. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. SMITH presented a resolution Honoring Carol Applewhite for Her Years of Service to ECMC. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 11 – MR. WROBLEWSKI presented a resolution Honoring Queen of Heaven Parish of West Seneca Upon Celebrating Their 50th Anniversary. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

---

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 12 – Mr. McCARVILLE presented a resolution Saluting Volunteer Work of Girl Scout Troop 1291 & Murray Brothers Nursery's Donation of a Beautification Project in Emery Park. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 13 – MR. McCARVILLE presented a resolution Congratulating the East Aurora Cross Country Team for Capturing the ECIC Division Championship for the 4<sup>th</sup> Year in a Row. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 14 – MR. McCARVILLE presented a resolution Congratulating East Aurora Girls Varsity Soccer Team for Finishing First in the ECIC Division Four with a Perfect 12-0 Season. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 15 – MR. SMITH presented a resolution In Memory of Doris S. Muldrow. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the above eleven resolutions as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

**LOCAL LAWS**

Item 16 –CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2003 remain on the table.

GRANTED.

Item 17 – CHAIRMAN HOLT directed that Local Law No. 4 (Print #1) 2004 remain on the table.

GRANTED.

Item 18 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 19 – CHAIRMAN HOLT directed that Local Law No. 12 (Print #1) 2004 remain on the table.

GRANTED.

Item 20 – MS. MARINELLI presented the following Local Law and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

COUNTY OF ERIE  
 LOCAL LAW NO. \_\_\_\_\_ - 2004  
 LOCAL LAW INTRO NO. 13 - 2004

A LOCAL LAW amending, Local Law No. 1-1959, as amended, constituting the Erie County Charter Section 1802 thereof; and the Erie County Administrative Code Section 18.02 Sub. f with respect to the duty of the Erie County Executive to submit a budget and capital program to the Erie County Legislature.

**BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:**

Section 1. Short Title. This Local Law shall be known as the "Erie County Budget Disclosure Act" and shall amend, as hereinafter specified Section 1802 of the Erie County Charter and Section 18.02 Sub. f of the Erie County Administrative Code.

Section 2. Legislative Intent. The Erie County Legislature hereby determines that the people of Erie County have the right to know the contents of and fiscal implication of the County's adopted annual budget, the County Executive's tentative budget for the ensuing fiscal year, the County Executive's budget projections for the two subsequent years, and the extent of the capital program to ensure fiscal accountability.

Section 3. Provisions. The following provisions shall be inserted to amend the Erie County Charter and the Administrative Code to the extent of the provisions hereinafter set forth.

- (A) In 2004, and in all subsequent years, the County Executive shall submit to the County Legislature a tentative budget for the 2000 Fiscal Year and subsequent fiscal years along with the simultaneous submission of the County Executive's financial forecast for the next two (2) years, together with a capital spending program for the next six (6) fiscal years, in addition to an accompanying message.
- (B) Upon the enactment of this Local Law, the County Executive shall submit his tentative budget (including both the operation and maintenance budget, and the capital budget) for the ensuing year, along with a two-year budget forecast for the two (2) succeeding fiscal years, and a capital program for the next six (6) fiscal years along with the County Executive's accompanying message to the County Legislature on or before the 15<sup>th</sup> day of October in the year 2005 and in all subsequent years.

Section 4. Publication. The Clerk of the Erie County Legislature is hereby authorized and directed to cause a copy of the foregoing Local Law to be published in the County's official newspapers.

Section 5. Effective Date. This Local Law shall take effect immediately upon the filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

GEORGE A. HOLT, JR.  
 EDWARD KUWIK  
 ALBERT DEBENEDETTI  
 RAYMOND DUSZA

LYNN M. MARINELLI  
 MARK J. F. SCHROEDER  
 DEMONE SMITH  
 TIMOTHY WROBLEWSKI

MS. MARINELLI moved the approval of the Local Law. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN (AYES 8, NOES 7).

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

CARRIED.

Item 21 – CHAIRMAN HOLT directed that Local Law No. 14 (Print #1) 2004 remain on the table.

GRANTED.

**COMMITTEE REPORTS**

Item 22 –MR. DUSZA presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 468

October 28, 2004

ENERGY & ENVIRONMENT  
 COMMITTEE  
 REPORT NO. 14

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.

- |    |   |      |       |                |
|----|---|------|-------|----------------|
|    | Item  | Page | -2004 | (Comm. 22E-30) |
| a. | <b>COUNTY EXECUTIVE:</b> DEP – Donald J. Braasch Construction – ECSD No. 1 – Union Road Pumping Station & Forcemain Project – General/Mechanical Dispensation of Hrs. (5-0) |      |       |                |
|    | Item  | Page | -2004 | (Comm. 22E-32) |
| b. | <b>COUNTY EXECUTIVE:</b> DEP – ECSD No. 2 – Engineering Service Agreements – Stearns & Wheler. (5-0)  |      |       |                |
|    | Item  | Page | -2004 | (Comm. 22E-33) |
| c. | <b>COUNTY EXECUTIVE:</b> DEP – ECSD No. 6 – Bethlehem Park Rehabilitation Phase I – Change Order No. 3 – C. Destro Development Company. (5-0)                               |      |       |                |
|    | Item  | Page | -2004 | (Comm. 22E-34) |
| d. | <b>COUNTY EXECUTIVE:</b> DEP – ECSD No. 1 – Engineering Agreement Dated 2/3/00 – Greenman Pedersen – Change Order No. 3. (5-0)  |      |       |                |

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

	Item	Page	-2004	(Comm. 22M-3)
e.	<b>TOWN OF ELMA:</b>	Certified Resolution Supporting Proposed State Legislation		
		(S.6949/A.10053).		
		(5-0)		

				<b>AS AMENDED</b>
2a.	Item	Page	-2003	(Comm. 20E-41)
	<b>COUNTY EXECUTIVE</b>			
	RESOLUTION NO. <u>469</u> , 2004			

RESOLUTION DATED \_\_\_\_\_, 2004.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY-SOUTHTOWNS SEWAGE TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) \_\_\_\_\_ October 19 \_\_\_\_\_ 2004.  
 (Adopted) \_\_\_\_\_, 2004

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No.3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the "District") to provide sewer services to the Village of Orchard Park, the north and central portions of the Town of Orchard Park, the northeast portion of the Town of Hamburg and the southerly portion of the Town of West Seneca, and

WHEREAS, the Erie County-Southtowns Sewage Treatment Agency (the "Southtowns Agency") has heretofore been created pursuant to an inter-municipal agreement dated December 30, 1974, as amended, (the "Southtowns Agreement") for the purpose of establishment, construction, operation, and maintenance of the Southtowns Advanced Wastewater Treatment Facility (the "Southtowns Treatment Facility") for the benefit of Erie County Sewer District No.3, the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4,8, and 11 of the Town of Hamburg, Wanakah Sewer District No.3, Mount Vernon Sewer, District No.2, and the Village of Hamburg; and

WHEREAS, pursuant to the Southtowns Agreement the County, acting for and on behalf of Erie County Sewer District No.3, was responsible for financing the total project costs for the Southtowns Treatment Facility; and

WHEREAS, in accordance with its responsibilities to maintain the Southtowns Treatment Facility pursuant to the Southtowns Agreement, the Southtowns Agency has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of 'cost have been approved by the Board of Managers of the Southtowns Sewer Treatment Agency on April 29, 2004 and filed with the County Legislature pursuant to Section 268 of the County Law; and

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District(Southtowns Sewage Treatment Agency), consisting of the reconstruction and/or rehabilitation of approximately 20,000 feet of sanitary sewer and the upgrading of sewage pumping stations, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$9,000,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No.3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10,5,4,8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No.3, (iv) Mount Vernon Sewer District No.2, and (v) the Village of Hamburg; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, it is now desired to call a public hearing to consider said increase and improvement in accordance with the provisions of Section 254 of the County Law; NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 16<sup>th</sup> day of December, 2004, at 1:30 o'clock P. M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposed increase and improvement of facilities of Erie County Sewer District No.3 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 16th day of December, 2004, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed increase and improvement of facilities of the Southtowns Advanced Wastewater Treatment Facility in said County.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

The increase and improvement of such facilities consisting of the reconstruction and/or rehabilitation of approximately 20,000 feet of sanitary sewer and the upgrading of sewage pumping stations, as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Board of Managers of the Southtowns Sewer Management Agency on April 29, 2004 (the "Report").

The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$9,000,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No.3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10,5,4,8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No.3, (iv) Mount Vernon Sewer District No.2, and (v) the Village of Hamburg; each in accordance with their respective proportionate shares of equivalent dwelling wiits in their service areas, as determined pursuant to the Southtowns Agreement.

The expenditures for such additional increase and improvement of facilities will not cause additional costs for property owners in the District for hook-up fees, and the annual cost of such expenditures to the Typical Property (as defined in the County Law) is \$10.72. The County Legislature has heretofore caused to be prepared and filed for public inspection with the Clerk of the Erie County Legislature, a detailed explanation of how such costs were computed, as incorporated in said report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning).

Dated: Buffalo, New York,  
 \_\_\_\_\_, 2004.

BY ORDER OF THE COUNTY  
 LEGISLATURE OF THE COUNTY OF  
 ERIE, NEW YORK

By

\_\_\_\_\_  
 Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in the "The Front Page" and in the "Hamburg Sun", the official newspapers of said County, not less than ten nor more than twenty days before the date set herein for said public hearing. The Clerk is hereby further authorized and directed to file a certified copy of the Notice of Public Hearing with the Comptroller of the State of New York on or about the date of the publication of the Notice of Public Hearing.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Section 4. This resolution shall take effect immediately.

(5-0)

					<b>AS AMENDED</b>
2b.	Item	Page	-2003		(Comm. 20E-41)
	<b>COUNTY EXECUTIVE</b>				
	RESOLUTION NO. <u>470</u> , 2004				

RESOLUTION DATED \_\_\_\_\_, 2004.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED EXTENSION OF THE ERIE COUNTY SEWER DISTRICT NO.3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) October 19, 2004  
 (Adopted) \_\_\_\_\_, 2004

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated September 15, 2004 and a resolution of the Erie County Sewer District No.3 Board of Managers dated September 15, 2004, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No.3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No.3 with respect to the extension of the boundaries of such District and the acquisition of existing sanitary sewer facilities, in accordance with applicable flat charges and charges based on units, assessed value and footage, specified in the District's benefit assessment formula and rates, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$200 per home for a lateral hook-up, \$200 per home for inspections associated with subdivisions and a \$2 permit fee at the time of connection; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of said Erie County Sewer District No.3 because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; and

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, it is now desired to call a public hearing to consider said extension of the Erie County Sewer District No.3 in accordance with the provisions of Sections 254 and 274 of the County Law;

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street 4th Floor, in Buffalo, New York, in said County, on the 16<sup>th</sup> day of December, 2004, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to extend the Erie County Sewer District No.3 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street 4th Floor, in Buffalo, New York, in said County, on the 16<sup>th</sup> day of December, 2004, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension of the Erie County Sewer District No.3 in said County.

The extension of said Erie City Sewer District No.3 shall be substantially in conformity with and pursuant to a report of the Erie County Sewer Agency dated September 15, 2004 and a resolution of the Erie County Sewer District No.3 Board of Managers dated September 15, 2004, heretofore filed with the Board of Managers of Erie County Sewer District No.3.

The proposed extension of the Erie County Sewer District No.3 shall comprise the area described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being in parts of Lots Nos. 50 and 51, Township 9, Range 7, and Lots Nos. 2, 3, 10, 11, 12, 19 and 20, Township 9, Range 8 of the Holland Land Company's Survey, more particularly bounded and described as follows:

BEGINNING at a point on the north line of Lot No. 3, Township 9, Range 8 of the Holland Land Company's Survey, sixteen hundred twenty-one (1621) feet west from the west line of South Park Avenue and on the east line of the former Hamburg Railway right-of-way; thence southerly along said east line of right-of-way, fourteen hundred sixty-eight and twenty- three hundredths (1468.23)'feet to the center of North Street; thence westerly seventeen hundred eighty-six and thirty-

four hundredths (786.34) feet, on a line parallel with and one hundred fifty (150) feet north of the north line of Norwood Avenue and said line extended easterly, to the center of Camp Road, formerly known as Lake Street, at its intersection with the southerly line of land formerly owned by Russell Harrington which line is the northerly line of the Village of Hamburg, which said line is also the north line of Hamburg Addition; thence northeasterly along the center of said street, one hundred fifty (150) feet; thence westerly parallel with the north line of said village, one hundred thirteen and eighty-nine hundredths (113.89) feet to easterly line of land of Erie Railroad; thence southwesterly along said southeasterly line of railroad, three hundred seventy-one and seven tenths (371.7) feet; thence westerly, on a line about two hundred sixty ( 2 6 0 ) feet north of the north line of Church Street, seven hundred ninety-six and two tenths (796.2) feet; thence southwesterly, at an angle of thirty-five degrees three minutes (35 03 , ) , from west to south, to the east line of premises conveyed to Lee by Deed recorded in the Erie County Clerk's Office in Liber 6679 of Deeds at page 297; thence northerly along the east line of Subdivision Lot No.1 as shown on a map filed in the Erie County Clerk's Office under Cover No. 2126 of Maps, a distance of twenty-five (25) feet to the northeast corner of said Subdivision Lot No.1; thence continuing northerly along the east line of said subdivision shown on a map filed in the Erie County Clerk's Office under Cover No. 2126 of Maps, and along the east line of premises conveyed to Chester J. Hosjan by Deed recorded in the Erie County Clerk's Office in Liber 7413 of Deeds at page 55, and along the east line of premises conveyed to Hamburg Congress of Jehovan's Witnesses, a total distance of one thousand eight hundred forty- five (1845) feet to a point on the north line of said Lot No. 11; thence easterly along the north line of said Lot No. 11 a distance of one thousand eighty and twenty-four hundredths (1080.24) feet to the southeast corner of Subdivision Lot No. 113 as shown on a map filed in the Erie County Clerk's Office under Cover No. 1401 of Maps; thence northerly along the east line of said Subdivision Lot No. 113 and said east line extended northerly along the east line of Subdivision Lot No. 25 and said east line extended northerly along the east line of Subdivision Lot No. 213 and said east line extended northerly, along the east line Subdivision Lot No. 208 and said east line extended northerly to a point on the north line of Subdivision Lot No. 202, all as shown on said map filed in the Erie County Clerk's Office under Cover No. 1401 of Maps; thence easterly along the north line of said Subdivision Lot No. 202 and said north line extended easterly along the north line of Subdivision Lots Nos. 180 and 179 and the north line of said Subdivision Lot No. 179 extended easterly and the north line of Subdivision Lot No. 146 and the north line of said Subdivision Lot No. 146 extended easterly to a point on the southwest line of Camp Road, State Highway No.1 067; thence northwesterly along the southwest line of Camp Road, State Highway No. 1067, to the south-line of premises conveyed to James B. McCloskey by Deed recorded in the Erie County Clerk's Office in Liber 2351 of Deeds at page 498; thence westerly along said south line of premises conveyed to McCloskey to the southwest corner of premises conveyed to Camp Road, Inc. by Deed recorded in the Erie County Clerk's Office in Liber 6155 of Deeds at page 484; thence north six degrees thirty-seven minutes seventeen seconds (6 37'17") west a distance of four hundred twenty-three and seven tenths (423.7) feet to a point; thence north thirty-six degrees thirty-eight minutes eighteen seconds (36 38'18") east a distance of one hundred sixty (160) feet to a point on the southwest line of Camp Road where said line is intersected by the northwest line of premises conveyed to Borst by Deed recorded in the Erie County Clerk's Office in Liber 6031 of Deeds at page 402; thence northwesterly along the southwest line of said Camp Road to a point on the existing line of the Village of Hamburg established March 28, 1966 at the intersection with the west line of Sunset Drive extended northerly; thence continued northwesterly along said southwesterly line of the Athol Springs-Hamburg State Highway No. 1067, County of Erie, six hundred eighty-three and

eighty-five hundredths (683.85) feet to the extension northeasterly of the northerly line of lands conveyed to William Reith by Deed recorded in the Erie County Clerk's Office in Liber 3411 of Deeds at page 164 on July 22, 1943; thence southwesterly along said extended northerly line and said northerly line of Reith as aforesaid, which line is the southerly line of lands of Edward Pauly, a total distance of sixty-six and twenty-two hundredths (66.22) feet to a point on the southwest line of Camp Road, said point being three hundred seventy-five and ninety hundredths (375.90) feet southeast of the southerly line of the New York State Thruway, thence northwest along the southwest line of Camp Road twenty-seven and eighty-five hundredths (27.85) feet to the south line of the Niagara Mohawk Power Corporation, thence south sixty-two degrees six minutes fifty-nine seconds (62 06'59") west along the said south line of the Niagara Mohawk Power Corporation a distance one thousand nine hundred sixty-nine and seventy-six hundredths (1,969.76) feet to a point, thence north eighty-nine degrees forty-three minutes fifty-six seconds (89 43'56") west a distance five hundred forty-eight and ninety-nine hundredths (548.99) feet to the southeasterly line of the New York State Thruway; thence southwesterly along the southeasterly line of the New York State Thruway, fourteen hundred and eighty-seven hundredths (1400.87) feet to the westerly line of lands conveyed to Parkway Investors, Inc. by Deed. recorded in the Erie County Clerk's Office on June 25, 1957 in Liber 6181 of Deeds at page 431; thence southerly along said Parkway Investors, Inc. west line, seventeen hundred forty-one (1741) feet to an angle point in said westerly line; thence continuing southwesterly along the westerly line of lands conveyed to Parkway Investors, Inc. by Deed recorded in the Erie County Clerk's Office on June 25, 1957 in Liber 6181 of Deeds at page 431, one hundred seventy-one and forty-three hundredths (171.43) feet to a point in the center line of the Cooper Ridge Road, running thence southeasterly along the center line of Cooper Ridge Road; thirty-nine and fifty-nine (39.59) feet to an angle in said center line; running thence southeasterly and continuing along said center line; two hundred twenty-nine and eleven hundredths (229.11) feet to an angle in said center line, running thence southeasterly and continuing along said center line, seventy-four and ninety-one hundredths (74.91) feet to a point, running thence northeasterly, one thousand nineteen and fifty-three hundredths (1,019.53) feet to a point in the east line of Lot No. 20 distant three hundred twelve and twenty hundredths (312.20) feet northerly from the southeast corner of Lot No. 20; thence south on the east line of Lot No. 20, three hundred twelve and twenty hundredths (312.20) feet to the southeast corner of Lot No. 20 (the southwest corner of Lot No. 1 2) ; thence easterly along the south line of Lot No. 12, seven hundred ten and eighty-two hundredths (710.82) feet to a point, said point being the northwest corner of lands conveyed to Bertha Breuss and one by Deed recorded in the Erie County Clerk's Office in Liber 4870 of Deeds at page 175, thence southerly along the east line of lands conveyed to Breuss, as aforesaid, one thousand seventy three and twenty-two hundredths (1,073.22) feet to a point; thence easterly and parallel with the north line of Lot No. 11, four hundred four and two tenths, ( 404.2 ) feet to the westerly line of lands conveyed to Eugene J. Fox and wife by Deed recorded in the Erie County Clerk's Office in Liber 3519 of Deeds at page 40; thence southerly along the west line of lands conveyed to Eugene J. Fox as aforesaid, six hundred thirty-six and sixty-eight hundredths (636.68) feet to a point on the centerline of Cooper Ridge Road also known as Pleasant Avenue; thence easterly along the aforementioned center line ninety-four (94) feet; thence northerly on a line parallel with the west line of lands conveyed to Albert Straight by Deed recorded May 29, 1950 in the Erie County Clerk's Office in Liber 4715 of Deeds at page 297, two hundred fifty (250) feet; thence east and parallel with the center line of Pleasant Avenue eighty-five (85) feet to a point in the west line of lands conveyed to Albert Straight by Deed aforesaid; thence north and along the west line of lands conveyed to Albert Straight by Deed aforesaid, one thousand sixteen and two tenths (1016.2) feet, thence easterly one hundred seven and fifty-one

hundredths (107.51) feet to a point; thence north four hundred fifty (450) feet to a point on the south line of Lot No. 12, said point being eight hundred ninety-three and eighty-nine hundredths (893.89) feet west of the northwest corner of lands conveyed to Russell Trippi by Deed recorded in the Erie County Clerk's Office on September 1, 1950, in Liber 4778 of Deeds at page 421; thence easterly along the south line of Lot No. 12, eight hundred ninety-three and eighty-nine hundredths (893.89) feet to the northwest corner of lands conveyed to Russell Trippi by Deed as aforesaid; thence southerly parallel to the east line of Lot No. 11, eighteen hundred twenty-three and sixteen hundredths (1823.16) feet to the center line of Cooper Ridge Road, also known as Pleasant Avenue, running thence northwesterly along the center line of Pleasant Avenue, thirty and ninety-one hundredths (30.91) feet to the extension northerly of the easterly line of Lenora Drive; running thence southerly along the extension northerly of the easterly line of Lenora Drive twenty-six and twenty-seven hundredths (26.27) feet to the southerly line of Pleasant Avenue; running westerly along the southerly line of Pleasant Avenue a distance of sixty (60) feet to the westerly line of Lenora Drive; running thence northerly along the extension northerly of the westerly line of Lenora Drive, twenty-six and twenty-seven hundredths (26.27) feet to the center line of Pleasant Avenue; running thence northwesterly along the center line of Pleasant Avenue, one hundred ten and sixteen hundredths (110.16) feet to the extension northerly of the westerly line of Subdivision Lot No.1, Cover No. 1858; running thence southerly along the said westerly line of Subdivision Lot No.1 as extended and the said westerly line of Subdivision Lot No.1, two hundred twelve and twelve hundredths (212.12) feet to the northerly line of Subdivision Lot No.2, Cover No. 1858; running thence westerly along the said northerly line of Subdivision Lot No.2, Cover No. 1858, one hundred (100) feet to the west line of Uebelhack; thence southerly along the westerly line of Uebelhack a distance of one thousand four hundred thirteen and eighty-six hundredth (1413.86) feet to the northerly line of Westview Avenue fifty (50) feet wide as shown under Cover No. 1858, extended westerly to the intersect said westerly line of lands conveyed to Uebelhack and his wife by Deed recorded in the Erie County Clerk's Office in Liber 1595, of Deeds at page 470; thence easterly along said northerly line of Westview Avenue as extended westerly three hundred five and four hundredths (305.04) feet to the easterly line of Lenora Drive; thence northerly along the easterly line of Lenora Drive a distance of one hundred twenty-six and eight tenths (126.8) feet; thence easterly at an angle with the last described line measured from the north to the east of ninety degrees, forty-eight minutes (90 48') a distance of three hundred forty-eight and fifty-two hundredths (348.52) feet to the west line of Milford Street; thence south along the west line of Milford Street, one hundred twenty-six and fifty-five hundredths (126.55) feet to the north line of Westview Avenue; thence east sixty (60) feet to the east line of Milford Street; thence north along the east line of Milford Street, one hundred twenty-six and five tenths (126.5) feet; thence east along the north line of Westview Subdivision and the present Village line, approximately six hundred seventy-seven (677) feet, to the Village line established in May 1874; thence south along said line about eleven hundred twenty-three (1123) feet to the easterly line of the Erie Railroad; thence southwestwardly along the southeasterly line of said railroad, approximately twenty-one hundred eighty-seven (2187) feet, to the southwestwardly line of property formerly owned by John C. Trefts; thence southeasterly, by various courses approximately nine hundred ninety-six (996) feet, to the center of Pierce Avenue; thence northeasterly along the center of Pierce Avenue, thirty-eight (38) feet to the northwest corner of Edward Renschler's property; thence southeasterly along said Renschler's northeasterly line and part of the southwestwardly line of Rosedale Avenue, and said line extended six hundred sixty-three (663) feet to the north line of Henry J. Turner; thence east along Turner's north line about seven hundred eighty (780) feet to Eighteen Mile Creek; thence northeasterly up Eighteen Mile Creek approximately twenty-one hundred fifty-eight (2158) feet to

the original south line of the Village; thence east along said south line about thirty-nine hundred twenty-two (3922) feet to the original east line of the Village; thence north along said east line approximately one thousand eight hundred fifty-seven and three tenths (1857.3) feet, to the northwest line of Newton Road; thence northeasterly along said northwesterly line of Newton Road approximately ninety-five and eighty-six hundredths (95.86) feet, to the southwest corner of subplot 97 as shown on a subdivision map of Grandview addition filed under Map Cover No. 1243; thence northerly along the west line of said subplot 97 two hundred six and sixty hundredths (206.60) feet to the south line of subplot 99, Cover 1243; thence continuing northerly along the west line extended of subplot 97 twenty-five (25) feet; thence easterly at right angles approximately forty-eight and eighty hundredths (48.80) feet to the northerly extension of the east line of said subplot 97; thence northerly along said east line extended of said subplot 97 approximately seventy-four and ninety hundredths (74.90) feet to the southwesterly line of the right-of-way formerly owned by the Buffalo and Susquehanna Railway Company, thence southeasterly along said right-of-way line to the southwest corner of lands conveyed by Adalrne B. Higgins, formerly Adaline Ovenburg, to Lillian H. Greanoffby Deed recorded in the Erie County Clerk's Office in Liber 5200 of Deeds at page 551; thence running northerly along the westerly line of said lands conveyed by Adaline B. Higgins, a distance of sixty-six (66) feet to the northeasterly line of said Buffalo and Susquehanna Railway Company; thence southeasterly along the said Railway Company's northeasterly line, being also the southwesterly line of lands known as subplot 38 and Newton Place as shown on Cover Map No. 1392 filed in the Erie County Clerk's Office, to its intersection with the northwesterly line of Newton Road; thence northeasterly along the said northwesterly line of Newton Road to the northeast line of said Newton Place; thence northwesterly along the northeasterly line of Newton Place, being also the southwesterly line of sublots 43 and 44 as shown on said Cover Map No. 1392 to the southwest corner of said subplot No. 43; thence northerly along the west line of said subplot 43, a distance of one hundred eighty-eight and eighteen hundredths (188.18) feet to a point on the south line of Lot No. 51, Township 9, Range 7; thence easterly along said south line of Lot 51 a distance of approximately five hundred fourteen and four tenths (514.4) feet; thence north, parallel with and two hundred forty-two (242) feet west from the center of McKinley Parkway; two hundred eight (208) feet; thence east two hundred forty-two (242) feet to the east line of Lot 51, Township 9, Range 7, being also the center of McKinley Parkway; thence northerly along the east line of said Lot 51, and along the center of McKinley Parkway a distance of three hundred fourteen and four tenths (314.4) feet to a point, thence westerly at an interior angle of ninety degrees, sixteen minutes (90 16'), a distance twenty-eight (28) feet; thence north parallel with the east line of Lot No. 51 and twenty-eight (28) feet west there from two thousand one hundred nineteen and three tenths (2119.3) feet; thence westerly a distance of five (5) feet to the westerly line of McKinley Parkway; thence northerly along the westerly line of McKinley Parkway three hundred (300) feet to a point; thence easterly at an angle of ninety degrees twenty minutes (90 20') a distance of thirty-three (33) feet to the center line of McKinley Parkway, said center line being the east line of Lot No. 51 Township 9, Range 1; thence northerly along said easterly line of Lot No. 51, a distance of nine hundred three and four hundredths (903.04) feet to the southerly line of lands conveyed to Corthell Towles and recorded in the Erie County Clerk's Office in Liber 4528 of Deeds at page 126; thence westerly along the southerly line of Corthell Towles and the southerly line of lands conveyed to John M. Towles, Jr. and Corthell Towles and recorded in the Erie County Clerk's Office in Liber 3711 of Deeds at page 73, and along the southerly line of lands conveyed to John M. Towles, Jr. and Corthell Towles and recorded in the Erie County Clerk's Office in Liber 5009 of Deeds at page 542, a distance of twenty-eight (28) feet to a point which is five (5) feet east of the west line of McKinley Parkway; thence northerly and parallel

with the center line of McKinley Parkway a distance of one thousand sixteen (1016) feet to a point, which point is five (5) feet north of the south line of Clark Street; thence southwesterly and parallel with the center line of Clark Street, a distance of approximately two thousand one hundred eighty-seven twenty-five hundredths (2187.25) feet to a point; thence northwesterly a distance of sixty-one (61) feet to the northwesterly line of Clark Street; thence southwesterly along the northwesterly line of Clark Street a distance of eight hundred seventy- seven and ninety-seven hundredths (877.97) feet to the intersection of the northwesterly line of Clark Street and the east line of lands conveyed to the Buffalo and Susquehanna Railroad Company by Deed recorded in the Erie County Clerk's Office in Liber 980 of Deeds at page 608; thence northerly along the east line of said lands conveyed to the Buffalo and Susquehanna Railroad Company a distance of one hundred ninety-seven and thirty-two hundredths (197.32) feet to a point; thence southeasterly at an exterior angle of forty degrees fifty-three minutes (40 53') a distance of fifteen and twenty-eight hundredths (15.28) feet to a point; thence north at an interior angle of forty degrees fifty-three minutes (40 53') along a line parallel to and ten (10) feet distance from the easterly right-of-way line of the said Buffalo and Susquehanna Railroad a distance of two hundred sixteen and ninety-eight hundredths (216.98) feet to a point; thence westerly at an interior angle of ninety degrees sixteen minutes (90 16') a distance of ten (10) feet to a point on the east line of said Buffalo and Susquehanna Railroad; thence north along the said east line of the Buffalo and Susquehanna right-of-way to the north line of Lot 51, Township 9, Range 7, of the Holland Land Company's Survey; thence west along the said north line of Lot 51, a distance of sixty-six (66) feet to the west line of the Buffalo and Susquehanna Railroad right-of-way; thence south along the said west line of the Buffalo and Susquehanna right-of-way a distance of three hundred seventy-five and four hundredths (375.04) feet to the south line of lands conveyed to the Village of Blasdell by Deed recorded in the Erie County Clerk's Office in Liber 991 of Deeds at page 285; thence westerly along the south line of said lands conveyed to the Village of Blasdell a distance of four hundred twenty-four and seventy-five hundredths (424.75) 14 feet to a point; thence southerly and parallel with the east line of South Park Avenue a distance of one hundred fifty (150) feet to a point; thence westerly at an angle of ninety degrees (90 ) with the last mentioned line a distance of one hundred seventy-five (175) feet to the east line of South Park Avenue; thence southerly along the east line of South Park Avenue, a distance of five hundred seventy-eight and four tenths (578.04) feet; thence easterly along a line parallel with the south line property conveyed to David M. Hannah and Gerard A. Braun by Deed recorded in the Erie County Clerk's Office in Liber 6252 at page 630, extended and seven (7) feet northerly therefrom a distance of one hundred seventy-five (175) feet; thence southerly at an exterior angle of ninety degrees fifty- seven minutes two seconds (90 57'02") a distance of seven (7) feet; thence easterly at an interior angle of ninety degrees fifty-seven minutes two seconds (90 57'02"), a distance of twelve (12) feet; thence southerly parallel with the east line of South Park Avenue and a distance one hundred eighty-seven (187) feet easterly therefrom a distance of one hundred eighty-six and thirty-five hundredths (186.35) feet to the north line of the Village of Hamburg as extended December 17, 1917; thence west one hundred eighty-seven (187) feet to the east line of South Park also known as Buffalo Street; thence south on the east line of Buffalo Street, one hundred fifty and seventeen hundredths (150.17) feet; thence westerly along the northerly line of Maplewood Subdivision extended easterly a distance of thirty-three (33) feet to a point on the center line of South Park Avenue; thence northerly along the said center line of South Park Avenue three hundred eleven and seventy-four hundredths (311.74) feet to a point; thence westerly to a point two hundred sixty-two and twenty-five hundredths (262.25) feet west of the center of South Park Avenue and one hundred twenty-four and ninety-one hundredths (124.91) feet north of the north line of Legion Drive; thence southerly one hundred fifty-seven and ninety-one hundredths (157.91) feet to a

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

point in the center line of Legion Drive and two hundred twenty-five (225) feet west of the west line of South Park Avenue; thence easterly along the center line of Legion Drive to a point two hundred eight (208) feet west of the center line of South Park Avenue; thence southerly and parallel with said center line of South Park Avenue a distance of thirty-three (33) feet to the southerly line of Legion Drive; thence westerly along the southerly line of Legion Drive a distance of five hundred twenty-five and eighty-four hundredths (525.84) feet to the intersection of the said southerly line of Legion Drive with the northwesterly line of Division Street; thence northeasterly along the northwesterly line of Division Street extended and along the northwesterly line of Division Street a distance of one hundred thirty-eight and six tenths (138.6) feet to a point; thence northerly along the west line of Division Street seven hundred seventy-eight and six tenths (778.6) feet to a point; thence east fifty (50) feet to the point of intersection of the north line of Norway Place and the east line of Division Street; thence northerly along a line parallel with and five hundred forty (540) feet west of the east line of Lot 4, Township 9, Range 8, a distance one hundred eighty-three (183) feet to the south line of Lot 4, Township 9, Range 8, thence east five hundred forty (540) feet to the southeast corner of Lot 4; thence north along the east line of Lot 4, said east line also being the center line of South Park Avenue, a distance of three hundred (300) feet to a point on the east line of Lot 4, thence west five hundred forty (540) feet to the east line of Division Street, thence north along a line parallel with five hundred forty (540) feet west of the east line of Lot 4, a distance of three hundred (300) feet to a point; thence westerly along a line parallel with and six hundred (600) feet north of the south line of the said Lot 4, Township 9, Range 8, a distance of one thousand one hundred forty-three (1,143) feet to a point on the west line of lands conveyed to the County of Erie by Deed recorded in the Erie County Clerk's Office in Liber 2295 of Deeds at page 321; thence southerly along the said west line of lands conveyed to the County of Erie, a distance of six hundred (600) feet to a point on the south line of Lot 4, Township 9, Range 8; thence easterly along the said south line of Lot 4, Township 9, Range 8, a distance of thirteen (13) feet to the place of beginning.

No additional capital improvements are proposed to be, constructed and no additional capital costs are to be incurred by or on behalf of the Erie County Sewer District No.3 with respect to the extension of the boundaries of such District and the acquisition of the existing sanitary sewer facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Hook up fees are currently \$200 per home for a lateral hook-up, \$200 per home for inspections associated with subdivisions and a \$2 permit fee at the time of connection. The annual cost of the extension to the typical property is \$262.

Dated: Buffalo, New York,

\_\_\_\_\_, 2004.

BY ORDER OF THE COUNTY  
 LEGISLATURE  
 OF THE COUNTY OF ERIE, NEW YORK

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

By

---

Kevin M. Kelley  
 Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in Hamburg Sun and in Front Page, the official newspapers of said County, not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.  
 (5-0)

3. Item Page -2004 (Comm. 4E-21)  
**COUNTY EXECUTIVE**

WHEREAS, it has been determined that it may be necessary to commence Eminent Domain Proceedings to acquire the necessary easements and/or fee interest for the installation of gravity sewers to eliminate the Greenmeadow Sewage Pumping Station.

NOW, THEREFORE, BE IT

RESOLVED, that the County Attorney be authorized and is hereby directed to commence Eminent Domain Proceedings pursuant to Chapter 839 of the Laws of 1977 to acquire easement and/or fee interest for sewer purposes in connection with the lands listed below:

<u>ECSD NO.</u>	<u>PARCEL NO.</u>	<u>TOWNSHIP</u>
3	185.13-1-1.1	Orchard Park
3	185.13-1-2.2	Orchard Park
3	185.13-1-24.1	Orchard Park
3	185.13-1-18	Orchard Park
3	185.13-1-25	Orchard Park

and be it further

RESOLVED, that certified copies of this resolution be sent to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning, Nancy A. Naples, County Comptroller and Gregory Dudek, Assistant County Attorney.  
 (5-0)

4. Item Page -2004 (Comm. 22E-27)  
**COUNTY EXECUTIVE**

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the 2003 Capital Budget contains funding for Erie County Parks and Recreation Master Plan Improvements, and

WHEREAS, the firm of LiRo Kassner, Inc. is already engaged by the Department of Parks and Recreation through the Department of Public Works under an Engineering contract, and

WHEREAS, on December 12, 2002, at Meeting Number 25, Communication Number 25E-24, your Honorable Body authorized the County Executive to enter into an engineering contract covering General Highway/Bridge Engineering Services with LiRo Kassner, Inc., and

WHEREAS, on February 19, 2004, at Meeting Number 5, Communication Number 4E-59 (2004), your Honorable Body authorized the County Executive to issue a Supplemental Agreement to LiRo Kassner, Inc. to prepare contract documents and provide inspection services for the Erie County Parks and Recreation Chestnut Ridge Park Bridge, and

WHEREAS, since forensic testing at Chestnut Ridge Park Bridge revealed unanticipated severe deterioration of the existing concrete walls, which caused a change in the scope of the project and unforeseen environmental issues with the New York State Department of Environmental Conservation, State Historic Preservation Office, and U.S. Army Corps of Engineers, lengthened the design process and caused extra work to be performed, it is desired to issue a Change Order to LiRo Kassner, Inc. for this unanticipated extra work,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a Change Order to LiRo Kassner, Inc. for an amount not to exceed \$39,000.00 for unanticipated extra work caused by severe deterioration of the existing concrete walls which changed the scope of the project and unforeseen environmental issues which lengthened the design process for Erie County Parks and Recreation Chestnut Ridge Park Bridge, and be it further,

RESOLVED, that the fee allocation be taken from SAP A.09020, 2003 Parks Master Plan, Phase 1 Program, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner and one copy each to the County Executive; the Division of Budget Management and Finance; the Office of the Comptroller; and to the Department of Parks and Recreation.

(5-0)

5. Item Page -2004 (Comm. 20E-28)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides technical assistance to municipalities to assist them in complying with environmental regulations; and

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the 2004 Erie County Budget includes a capital project entitled Stormwater Outfall Mapping/GIS Enhancements in the amount of \$109,200; and

WHEREAS, the State of New York, through its Department of Environmental Conservation (NYSDEC), has provided \$500,000 in financial support for Phase II Stormwater Implementation Projects in Western New York; and

WHEREAS, the required County match will be met through indirect expenses and in-kind contributions from Erie County staff and municipal representatives; and

WHEREAS, it is necessary to hire staff and contract for consultant services in order for the County to meet its contractual obligations with New York State that are associated with the grant agreement; and

WHEREAS, the current grant funding for an existing Solid Waste Recycling Specialist (JG XII) is expiring and this position needs to be created under the new project budget to continue the County employment of this individual; and

WHEREAS, this position adjustment is reflected on B-100 position authorization form, Control Number 0000000404, in the SAP system; and

WHEREAS, in accordance with Section 19.08 of the Erie County Administrative Code, the Department of Environment and Planning solicited proposals and selected a contractor to perform GIS mapping services necessary for compliance with the State Stormwater Phase II requirements.

NOW, THEREFORE BE IT

RESOLVED, that the following position be created within the 2004 Erie County Budget Capital Project Account No. A.000251, Stormwater Outfall Mapping/GIS Enhancements:

Solid Waste Recycling Specialist (JG-XII)

and be it further

RESOLVED, that the County Executive is authorized to enter into an agreement with Bergmann Associates for an amount not to exceed \$80,000 to perform GIS Mapping services, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; the Commissioner of Personnel, Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(5-0)

6. Item Page -2004 (Comm. 22E-31)  
**COUNTY EXECUTIVE**

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Erie County Legislature had awarded Contract No. 23 to Tom Greenauer Development, Inc. for the Erie County Sewer District No. 1 Hyland Avenue Pump Station Elimination and Gravity Sewer Project; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 23 in the final contract amount of \$215,356.55 which includes Change Order No. 1 (final), a decrease of \$16,763.75, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 23 between the County of Erie and Tom Greenauer Development, Inc., P.O. Box 250, Springbrook, New York 14140 is accepted in the amount of \$215,356.55, which includes Change Order No. 1(final), a decrease of \$16,763.75, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 23 between the County of Erie and Tom Greenauer Development, Inc. in the amount of \$215,356.55 and release all retention and make final payment from Erie County Sewer District No. 1 Bond Account C.00032 (430-694); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning.  
 (5-0)

**AS AMENDED**

7. Item Page -2004 (Intro. 22-4)  
**RANZENHOFER, CUSACK, CHASE, SWANICK, McCARVILLE, KUWIK, MARINELLI, DUSZA & DEBENEDETTI**

WHEREAS, homeownership, which has always been part of fulfilling the American Dream is at a thirty-year high, and

WHEREAS, the high level of homeownership is in part because many mortgage products are currently offered to low and moderate income homebuyers who don't have the standard 20% down payment for the purchase of a house, and

WHEREAS, most lenders require a home buyer who makes a down payment of less than 20% to pay monthly mortgage insurance premiums, and

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the mortgage insurance premiums, which benefit only the lender, are the functional equivalent of monthly mortgage interest payments, despite the fact that the IRS currently rules that they are nondeductible, and

WHEREAS, under the current tax code, consumers who can afford to make substantial down payments get to deduct all the interest payments on their mortgages up to a principal balance ceiling of \$1.1 million, but first-time buyers and moderate income households who don't have much money for a down payment typically must pay the nondeductible and often large monthly mortgage insurance premiums, and

WHEREAS, legislation before the United States Senate and House of Representatives (S. 846/HR. 1336) would amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and

WHEREAS, the "Mortgage Insurance Fairness Act" has attracted wide support because it focuses attention on an inequity in federal tax policy toward moderate income home buyers, and

WHEREAS, passage of this legislation would allow the estimated 12 million-plus homeowners who pay mortgage insurance premiums to deduct them on their federal tax returns, just as they write off mortgage interest payments now, and

WHEREAS, passage of this legislation would encourage homeownership by correcting the current inequity in the tax code,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is committed to further enhancing the opportunities for home ownership, and be it further

RESOLVED, that this Honorable Body supports the "Mortgage Insurance Fairness Act," (S.846/HR. 1336) and asks the United States Senate, House of Representatives and President to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, as is currently done with mortgage interest payments, and be it further

RESOLVED, that certified copies of this resolution be forwarded to United States President George Bush, Senate President Pro Tempore Ted Stevens, Senate Majority Leader Bill Frist, Senate Minority Leader Tom Daschle, Speaker of the House of Representatives Dennis Hastert, House of Representatives Majority Leader Tom DeLay, House of Representatives Minority Leader Nancy Pelosi, United States Senator Hillary Clinton, United States Senator Charles Schumer, Congressman Thomas Reynolds and Congresswomen Louise Slaughter.

Fiscal Impact: None  
(5-0)

**RAYMOND K. DUSZA**  
**CHAIRMAN**

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

MR. DUSZA moved to separate items #2a (Comm. 20E-41), #2b (Comm. 20E-41), #3 (Comm. 4E-21) and #5 (Comm. 20E-28) and moved the balance of the report for approval. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved the approval of item #2a (Comm. 20E-41). MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 15, NOES 0).

CARRIED.

MR. DUSZA moved the approval of item #2b (Comm. 20E-41). MR. SWANICK seconded.  
seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 15, NOES 0).

CARRIED.

MR. DUSZA moved the approval of item #3 (Comm. 4E-21). MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: McCARVILLE. (AYES 14, NOES 1).

CARRIED.

MR. RANZENHOFER moved to amend item #5 (Comm. 20E-28) for typo correction, item number should be Comm. 22E-28. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved the approval of item #5 (Comm. 22E-28). MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Item 23 –MR. KUWIK presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 471

October 28, 2004

PUBLIC SAFETY  
 COMMITTEE  
 REPORT NO. 13

ALL MEMBERS PRESENT EXCEPT LEGISLATOR SWANICK.

				<b>AS AMENDED</b>
1.	Item	Page	-2004	(Comm. 21E-41)
	<b>COUNTY EXECUTIVE</b>			

WHEREAS, your Honorable Body has previously awarded contracts and change orders to the lowest responsible bidders for the Water Lab & Level 3 Bio-Lab security enhancements at the Erie County Medical Center in the total amount of \$618,400, and

WHEREAS, Erie County has received an Urban Areas Security Initiative (UASI) Grant (HS122UAIF030305) for 2003 for security enhancements to the Level 3 Bio-Lab, and

WHEREAS, the 2003 UASI grant requires the work be completed by December 31, 2004,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue change orders to the lowest responsible bidders and for additional Architectural/Engineering Services in an amount not to exceed \$200,000, and be it further,

RESOLVED, that the \$200,000 be funded by the 2003 Urban Areas Security Initiative (UASI) Grant (HS122UASIF030305) and be it further,

RESOLVED, that the Comptroller's Office make payments from 2003 Urban Areas Security Initiative UASI Grant (HS122UASIF030305), and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Office of the County Executive; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Department of Central Police Services.

MEETING NO. 23  
November 4, 2004

ERIE COUNTY LEGISLATURE

**ECMC BSL3**

October 15, 2004

**BSL3 Security Enhancements  
10/8/2004**

**Monthly Billings**

<u>Contractor</u>	<u>October '04</u>	<u>November '04</u>	<u>December '04</u>	<u>CO Total</u>
C-101	\$6,155	\$15,000	\$21,795	\$42,950
C-102	\$7,521	\$927	\$0	\$8,448
C-103	\$26,500	\$40,000	\$17,390	\$83,890
Sub-total	\$40,176	\$55,927	\$39,185	\$135,288
A/E Fees	\$20,000	\$6,000	\$6,000	\$32,000
Totals	\$60,176	\$61,927	\$45,185	\$167,288

<u>C-101</u> <b>New Era</b>		
CCD #18	View Window	\$330
CPR #5	BSL3 Plmbng Mods	\$2,620
CCD #20	BSL Exterior Enhancements	\$40,000
Total		\$42,950

<u>C-102</u> <b>Danforth</b>		
CCD #17	Access Doors, Hood Certification	\$4,927
CPR #6	BSL3 Plmbng Mods	\$3,521
Total		\$8,448

<u>C103</u> <b>Ferguson Elect</b>		
CCD #08	Add 2 A/V F/A Strobes	\$1,240
CCD #09	Add Cameras/Pathways	\$34,200
CCD #10	Fiber Pathway to ECMC	\$24,210
CCD #11	Security/FA Intergration (Allowance)	\$4,800
CCD #12	Add Exterior Lighting	\$8,460
CCD #13	Beam Detectors and Hatch Contacts	\$2,890
CCD #14	Add Card & Thumb Readers	\$6,590
CPR #??	Fire Alarm Strobes	\$1,500
Total		\$83,890

<u>A/E</u> <b>Cannon Design</b>		
CO	Design and Implementation	\$32,000

**CANNONDESIGN**

(3-0) Legislators Swanick & Wroblewski absent.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

2. Item Page -2004 (Comm. 22E-23)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health already contracts for services with Lake Shore Behavioral Health, Inc., and

WHEREAS, the Erie County Legislature established a grant and project budget for the Urban Area Security Initiative FFY '04 Grant (Comm. 17-E-22, approved July 15, 2004), of \$75,000 for the Erie County Department of Mental Health, and

WHEREAS, the purpose of the funding is to develop a Mental Health Disaster Planning component to the County's overall Homeland Security strategy, and

WHEREAS, the Erie County Department of Mental Health (ECDMH) recommends the transfer of said funds in order to execute a contract with a specific provider agency identified through a Request For Proposals (RFP) process, and

WHEREAS, the Erie County Department of Mental Health has identified Lake Shore Behavioral Health, Inc., as the RFP provider of services of its UASI '04 Grant appropriation.

NOW, THEREFORE, BE IT

RESOLVED, that a 2004 appropriation in the amount of \$75,000 be established in the Department of Mental Health's UASI '04 Grant for Lake Shore Behavioral Health, Inc., with the source of these funds being \$75,000 in UASI '04 dollars, and be it further

RESOLVED, that the County Executive be authorized to increase the contract with Lake Shore Behavioral Health, Inc., for the period January 1, 2004 through December 31, 2004, by an amount not to exceed \$75,000, and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance.

(3-0) Legislators Swanick & Wroblewski absent.

3. Item Page -2004 (Comm. 22E-36)

**COUNTY EXECUTIVE**

WHEREAS, funds have been received from the Federal Emergency Management Agency (FEMA) through the New York State Emergency Management Office (SEMO), and

WHEREAS, the funds received are for the claims submitted by the Department of Emergency Services and various municipalities that participated in recovery efforts for the major power outage of August 2003, and

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the funds received will be utilized to reimburse the Erie County Department of Emergency Services and the municipalities which participated in recovery efforts for the major power outage of August 2003 to purchase needed equipment and to be reimbursed for services rendered.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Department of Emergency Services, is hereby authorized to accept these funds to reimburse the Erie County Department of Emergency Services and various municipalities throughout Erie County for services rendered in the recovery efforts from the major power outage of August 2003, and be it further

RESOLVED, that the following transactions are authorized for the reimbursement of the Erie County Department of Emergency Services and the various municipalities listed below, for time and services rendered.

Department of Emergency Services  
 Reimbursement of Claims

<u>Revenue</u>	<u>Federal Share</u>	<u>State Share</u>	<u>Admin.</u>	<u>Total</u>
GL205400	\$12,380.46			\$12,380.46
GL205400		\$2,063.41		\$ 2,063.41
GL205400			\$495.22	\$ 495.22
Total Revenue				<u>\$14,939.09</u>

<u>Appropriations – Cost Center</u>	<u>Agency</u>	<u>Amount</u>
516010	Erie County Emergency Services	\$ 2,203.11
516010	Town/Tonawanda	\$ 907.37
516010	City/Tonawanda	\$ 823.42
516010	Village/Springville	\$ 412.27
516010	Town/Hamburg	\$ 1,508.12
516010	Town/Cheektowaga	\$ 3,036.96
516010	Village/Depew	\$ 138.47
516010	Town/Aurora	\$ 215.39
516010	Town of Lancaster	\$ 380.78
516010	Town/Amherst	\$ 4,591.44
516010	City/Buffalo	<u>\$ 721.76</u>
<u>Total Distribution</u>		<u>\$14,939.09</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Law and the Department of Emergency Services.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

(3-0) Legislators Swanick & Wroblewski absent.

**EDWARD J. KUWIK**  
**CHAIRMAN**

MR. KUWIK moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 24 –MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 472

October 28, 2004

HUMAN SERVICES  
 COMMITTEE  
 REPORT NO. 13

ALL MEMBERS PRESENT EXCEPT LEGISLATOR SCHROEDER.

1. RESOLVED, that the following items were hereby received and filed.

a. Item Page -2004 (Comm. 16M-2)  
**EC HOME HEALTH CARE ADVISORY BOARD:** Recommended Revisions to Local Law No. 2 – 1998.  
 (4-0) Legislator Schroeder absent.

b. Item Page -2004 (Comm. 19D-37)  
**COUNTY ATTORNEY:** ECMC Public Benefit Corporation – Transition Period.  
 (4-0) Legislator Schroeder absent.

c. Item Page -2004 (Comm. 22D-14)  
**SOCIAL SERVICES:** Letter to Legislator Smith Re: Comm. 21E-42.  
 (4-0) Legislator Schroeder absent.

d. Item Page -2004 (Comm. 22M-8)  
**TOWN OF CHEEKTOWAGA:** Certified Resolution Re: Rodent Control.  
 (4-0) Legislator Schroeder absent.

2. Item Page -2004 (Comm. 22E-16)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health, Public Health Laboratory Division is responsible for laboratory services for Erie County departments, other government agencies, local health care providers and hospitals, and

WHEREAS, a request for proposals was issued January 18, 2000 which resulted in the installation of a public health laboratory information system by M/MGMT Corporation.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an extension of the existing contract for years 4, 5, and 6 in an amount not to exceed \$164,040 for the period January 1, 2004 through December 31, 2006 with an option to renew for years 7, 8 and 9 with M/MGMT Corporation for the purpose of providing continuing software maintenance, training and customizing reports, and be it further

RESOLVED, that the 2004 Public Health Laboratory Budget includes funding under SAP 516020, Professional Services Contracts and Fees, which was allocated for this project, and be it further

RESOLVED, that the contract with M/MGMT is a special service which must be provided immediately and continuously, and therefore the RFP procedure required under Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Department of Law, the Division of Information and Support Services, the Division of Budget, Management and Finance, and the Comptroller's Office. (4-0) Legislator Schroeder absent.

3. Item Page -2004 (Comm. 22E-17)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health operates the WIC Program under a grant from the New York State Health Department, and

WHEREAS, the purpose of this program is to provide nutrition related services to pregnant women, infants and children, and

WHEREAS, the Erie County Health Department has received a continuation of a grant in the amount of \$249,344 for the WIC Vendor Management Program which provides oversight to the retail food stores (vendors) used in the delivery of prescribed foods to WIC Program participants in the 17 counties of the Western Region of the State of New York.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into and accept the continuation of the WIC Vendor Management contract from the New York State Department of Health which is budgeted as follows:

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

**WIC VENDOR MANAGEMENT GRANT**  
**10/1/04-9/30/05**

**SAP: 127WICVENDOR0405 COST CTR. 1271670**

<b>SAP</b>	<b>REVENUE</b>	<b>AMOUNT</b>
409000	STATE AID	\$ 249,344
	<b>TOTAL</b>	<u>\$ 249,344</u>
	<b>EXPENSES</b>	
500000	PERSONAL SERVICES	\$ 145,641
502000	FRINGE BENEFITS	44,712
505000	OFFICE SUPPLIES	2,456
506200	MAINTENANCE & REPAIR SUPPLIES	2,500
510000	LOCAL MILEAGE	22,000
510100	OUT OF AREA TRAVEL	6,500
980000	ID-DISS	11,600
912700	ID-HEALTH	12,210
510200	TRAINING & EDUCATION	500
516030	MAINTENANCE CONTRACTS	125
555050	INSURANCE	100
561420	OFFICE FURNITURE	<u>1,000</u>
	<b>TOTAL</b>	<u>\$249,344</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Division of Personnel, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Law.  
 (4-0) Legislator Schroeder absent.

4. Item Page -2004 (Comm. 22E-18)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Retired and Senior Volunteer Program (RSVP) grants for the period July 1, 2003 to June 30, 2004, and

WHEREAS, the 2003/2004 RSVP grant provided support services to 1,150 RSVP volunteers working in community agencies throughout the County, and

WHEREAS, the county budget for this program is in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the budget for the RSVP grant, 163RSVP0304, be revised as follows:

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
APPROPRIATIONS				
Account	Description			
500000	Personal Services	\$87,086	-\$78	\$87,008
502000	Fringe Benefits	30,632	1,622	32,254
505000	Office Supplies	470	-24	446
510000	Local Mileage	37,308	-1,412	35,896
980000	ID DISS Services	6,750	-108	6,642
	TOTAL CHANGE		<u>\$0</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive the Division of Budget, Management and Finance, the Comptroller's Office and the Department of Senior Services.

(4-0) Legislator Schroeder absent.

5. Item Page -2004 (Comm. 22E-19)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Legislature has already appropriated funds for the Area Agency on Aging (III-B) grant for the period January 1, 2004 to December 31, 2004, and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) of final federal funding allocations and supplemental funds for purchase of client tracking software that meets federal reporting requirements, and

WHEREAS, the Department desires to purchase Q Continuum software from the sole source vendor, CH Mack Incorporated, to meet these requirements; and

WHEREAS, the Department needs to cover local mileage expenses for volunteers in the Retired and Senior Volunteer Program to get to their community service assignments; and

WHEREAS, the Department has reviewed the budget and actual costs of carrying out the grant program through the end of the grant year, and

WHEREAS, the County budget for the III-B grant is in need of revision, and

WHEREAS, no additional County funds are needed.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to purchase Q software from CH Mack Incorporated, and be it further

RESOLVED, that the budget for the III-B grant, 163III-B2004, be revised as follows:

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
<b>REVENUES</b>				
Account	Description			
	Federal Aid-Programs for			
411740	Aging	\$1,407,292	<u>\$78,198</u>	\$1,485,490
	<b>TOTAL CHANGE</b>		<u><u>\$78,198</u></u>	
<b>APPROPRIATIONS</b>				
510000	Local Mileage	\$5,500	\$6,000	\$11,500
561410	Lab & Technical Equipment	9,600	<u>72,198</u>	81,798
	<b>TOTAL CHANGE</b>		<u><u>\$78,198</u></u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the Comptroller's Office, the County Attorney's Office and the Department of Senior Services.  
 (4-0) Legislator Schroeder absent.

**DEMONE A. SMITH**  
**CHAIRMAN**

MR. SMITH moved the approval of the resolution. MS MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 25 –MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 473

October 28, 2004

GOVERNMENT AFFAIRS  
 COMMITTEE  
 REPORT NO. 14

ALL MEMBERS PRESENT EXCEPT LEGISLATOR WROBLEWSKI.

1. RESOLVED, that the following items are hereby received and filed.
  - a. Item Page -2004 (Comm. 15E-56)  
**CHASE:** Proposed Changes to the Erie County Legislature's 2004 Rules of Order.  
 (4-0) Legislator Wroblewski absent.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

- b. Item Page -2004 (Intro. 15-4)  
**CHASE:** Proposed Rule Change to the Erie County Legislature's 2004 Rules of Order.  
(4-0) Legislator Wroblewski absent.
- c. Item Page -2004 (Comm. 19E-32)  
**DEBENEDETTI:** Letter to Comptroller Re: Comm. 17E-14.  
(4-0) Legislator Wroblewski absent.
- d. Item Page -2004 (Comm. 20E-1)  
**COMPTROLLER:** Letter to Legislator DeBenedetti Re: Comm. 17E-14.  
(4-0) Legislator Wroblewski absent.
- e. Item Page -2004 (Comm. 21E-2)  
**DEBENEDETTI:** Copy of Letter to Budget Director Re: Lawrence W. Smith (Comm. 17E-14).  
(4-0) Legislator Wroblewski absent.
- f. Item Page -2004 (Comm. 22E-5)  
**COMPTROLLER:** Memo to All Elected Officials & Department Heads – Meeting/Meal Reimbursement Policy.  
(4-0) Legislator Wroblewski absent.

**AS AMENDED**

2. Item Page -2004 (Comm. 17E-14)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Division of Budget, Management & Finance has completed an initial assessment of the County's current accounts receivable management process, and

WHEREAS, the Division of Budget, Management & Finance has identified accounts receivable management and collections as an opportunity to improve processes, increase revenue and provide enhanced collection services to county departments as well as cities, towns and villages located in the County, and

WHEREAS, the County of Erie is desirous of having access to a professional consultant with expertise in analyzing, assessing and developing accounts receivable management programs that are designed to maximize revenue opportunities.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement for an amount not to exceed \$ 120,000 at \$185 per billable hour plus per diem expenses not to exceed \$50, with Lawrence W. Smith, for the purpose of consulting with the Division of Budget, Management & Finance in order to develop a recommended solution for improving the County's accounts receivable management situation, and be it further

RESOLVED, that funds in the amount of \$120,000 are hereby transferred from cost center 14010, account 402190, to cost center 10210, Division of Budget, Management and Finance, account 516020, Professional Services Contracts and Fees, and be it further

RESOLVED, that effective after the passage of this item, the Office of Budget, Management and Finance shall provide to the legislature, on a quarterly basis, a detailed report showing all activities of Lawrence W. Smith, including all outstanding accounts receivable in each department, and the amount of money collected by the County through Mr. Smith's efforts, and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of the resolution to the County Executive, the Director of the Division of Budget, Management & Finance and the County Comptroller.

(3-1) Legislator Wroblewski absent. Legislator McCarville in the negative.

**AS AMENDED**

3. Item Page -2004 (Intro. 19-3)

**WEINSTEIN, MARINELLI, McCARVILLE & CHASE**

WHEREAS, a Special Grand Jury was empanelled on October 20, 2003, to examine alleged abuses in the Department of Public Works, and

WHEREAS, the Special Grand Jury recently released their report titled, "Matters Relating to the Practices and Behaviors of the Highway Division of the Erie County Department of Public Works", and

WHEREAS, it is stated in Section IX of the Special Grand Jury Report that:

"The employee who received the photographs [of alleged wrongdoings] gave them to a county legislator, explaining that he did not believe that the executive branch would fairly investigate the matter. In early August, 2001, the legislator gave the photographs to the DPW commissioner and to the Deputy Commissioner for Highways. The commissioner told the deputy commissioner to look into it" (p. 71-72)

WHEREAS, The Special Grand Jury Report recommends in relation to the alleged abuses and the involvement of the Legislature that:

"Under Article II § 201(h) of the Charter, the legislature has the authority to investigate matters it deems to be in the best interest of the County. The Grand Jury recommends that the legislature formalize a procedure for following up on allegations of misconduct that come to the attention of any legislator. A legislator who refers a matter to a department in the executive branch should insist on a written report detailing how the matter was addressed. That report should then be forwarded to the appropriate legislative committee. If no report is received, the legislature should consider conducting its own investigation. The legislature is not disciplinary arm of the executive branch. Nevertheless, it must deal with matters that come to its attention" (p.112-113)

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, while the report did not find any abuses on the part of legislators, it did conclude that protocols should be implemented,

NOW, THEREFORE, BE IT

RESOLVED, that the Chairman of the Erie County Legislature will refer this issue to an existing committee or create an Ad Hoc Committee to formulate a policy for the proper handling of allegations.

Fiscal Impact: None

(4-0) Legislator Wroblewski absent.

4. Item Page -2004 (Comm. 22E-37)  
**COUNTY EXECUTIVE**

WHEREAS, on July 1, 1999, this Legislature enacted a resolution (Comm. 12E-14) approving of a lease (hereinafter "Lease") with 43 Court Street Realty Company (hereinafter "43 Court St.") for 31,040 square feet of office space located at 43 Court Street in Buffalo for use by the Department of Social Services (hereinafter "Social Services"); and

WHEREAS, the Lease was signed by the County Executive and dated as of October 20th 1999; and

WHEREAS, the term of the Lease is five years, commencing on July 13, 2000 and expiring on July 12, 2005; and

WHEREAS, as a condition of the Lease, 43 Court St. has spent approximately \$1 million in renovating the office space to the satisfaction of Social Services; and

WHEREAS, Social Services desires to renew the Lease for an additional five year term, commencing on July 13, 2005 and expiring on July 12, 2010; and

WHEREAS, in consideration for the County's renewal of the Lease at this time, 43 Court St. has agreed that the rental rate in year one of the renewal term will remain at the same rate of the preceding year of the original term (\$12 per square foot), and the rent will increase by only \$.50 per square foot in years two and three of the renewal term (\$12.50 per square foot) and \$1.00 per square foot in years four and five of the renewal term (\$13.00 per square foot); and

WHEREAS, as further consideration for the County's renewal of the Lease at this time, 43 Court St. will provide an upgrade allowance for improvements to the Social Services office space and will make several improvements to the public areas, including increased security, passenger elevator upgrades and renovation of the lobby; and

WHEREAS, Social Services would prefer to renew the Lease rather than move elsewhere due to the inconvenience and added cost such a move would generate.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to renew the Lease with 43 Court St., and execute all documents related thereto, for 31,040 square feet of office space located at 43 Court Street in Buffalo for use by Social Services; and be it further

RESOLVED, that such renewal shall commence on July 13, 2005 and expire on July 12, 2010; and the rental rate shall be \$12 per square foot in year one of the renewal, \$12.50 per square foot in years two and three of the renewal, and \$13 per square foot in years four and five of the renewal; and be it further

RESOLVED, that the terms and conditions of the original Lease, dated October 20, 1999, shall remain substantially the same for the renewal period, unless the County Attorney deems that the interests of the County will best be served by amending or modifying such terms and conditions; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Commissioner of Social Services, Comptroller, Director of Budget, Management and Finance and County Attorney.

(4-0) Legislator Wroblewski absent.

5.	Item	Page	-2004	<b>AS AMENDED</b> (Comm. 22E-38)
	<b>COUNTY EXECUTIVE</b>			

WHEREAS, for several years, the Law Department has leased office space at 69 Delaware Avenue, Suite 300 in Buffalo (hereinafter "69 Delaware"); and

WHEREAS, the latest lease, which was dated January 1, 1995, was extended for a two-year term in 1998 and since 2000, the lease has been extended on a year-to-year basis; and

WHEREAS, the County Attorney now desires to renew the lease at 69 Delaware for a three-year term, commencing January 1, 2005 and expiring on December 31, 2007; and

WHEREAS, as an incentive for the Law Department's renewal of the lease for a three-year term, 69 Delaware Avenue Associates LLC, the landlord of 69 Delaware (hereinafter "Landlord") has agreed to keep the rental rate the same for 2005 as what was charged in 2004, increase the rental rates in 2006 and again in 2007 by only \$500 per month for each year, limit the "additional rent" adjustments for increased property taxes and operating expenses to \$2,000 per year, and perform a certain amount of painting and carpet cleaning each year; and

WHEREAS, the Law Department shall also be given the option, but not the obligation, to renew the lease for an additional two-year term (January 1, 2008 to December 31, 2009), upon ninety (90) days written notice to the Landlord prior to the expiration of the first renewal term, and the rent will be increased in 2008 and again in 2009 by only \$500 per month for each year; and

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Law Department has researched the lease rates of other suitable office sites and has determined that these rates are equal to or greater than the rates that will be charged by the Landlord in the lease renewal; and

WHEREAS, the Law Department would prefer to renew the Lease rather than move elsewhere due to the inconvenience and added cost that such a move would generate.

NOW, THEREFORE, BE IT

RESOLVED, That the County Executive is hereby authorized to renew the lease with the landlord for Suite 300 at 69 Delaware, and execute all documents related thereto, for 12,600 square feet of office space for use by the law Department for a cost of \$13.33 per square foot; and be it further

RESOLVED, that such renewal shall commence on January 1, 2005 and expire on December 31, 2007; and the rental rate shall be \$14,000 per month in year one of the renewal (2005), \$14,500 per month in year two of the renewal (2006), and \$15,000 per month in year three of the renewal (2007); and be it further

RESOLVED, that at the County Executive's/Law Department's option, the lease may be renewed for an additional two-year term, commencing January 1, 2008 and expiring on December 31, 2009, upon ninety (90) days written notice to the Landlord prior to the expiration of the first renewal term, and the rental rate shall be \$15,500 per month in 2008 and \$16,000 per month in 2009; and be it further

RESOLVED, that as further conditions of the lease renewal, the "additional rent" adjustments for increased property taxes and operating expenses shall not exceed \$2,000 per year, and a certain amount of painting and carpet cleaning shall be performed by the Landlord during each year of the lease renewal, and be it further

RESOLVED, that the other terms and conditions of the original lease, dated January 1, 1995, shall remain substantially the same for the renewal period, unless the County Attorney deems that the interests of the County will best be served by amending or modifying such terms and conditions; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Comptroller, Director of Budget, Management and Finance, and County Attorney.  
 (4-0) Legislator Wroblewski absent.

**AS AMENDED**  
 (Intro. 22-16)

6. Item Page -2004  
**RANZENHOFER, MINORITY CAUCUS:**

WHEREAS, the current practice of filing for mileage reimbursement for Legislators' work on County business has been a long-established and accepted practice, and

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the tough fiscal times facing the County require that all parties make sacrifices and concessions,

NOW, THEREFORE, BE IT

RESOLVED, that given the current fiscal environment in Erie County, the County Legislature hereby ends the policy of allowing legislators to file for mileage reimbursement, and be it further

RESOLVED, that certified copies of this resolution be presented to the County Executive and the County Comptroller.  
 (4-0) Legislator Wroblewski absent.

**LYNN M. MARINELLI**  
**CHAIRPERSON**

MS. MARINELLI moved to separate item #2 (Comm. 17E-14) and moved the balance of the report for approval. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend item #2. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **DELETE** the first (1st) **RESOLVE** Clause in its entirety and **REPLACE** with the following:

RESOLVED, that the County Executive is hereby authorized to enter into an agreement for an amount not to exceed \$120,000 at \$185 per billable hour plus per diem expenses not to exceed \$50 with Lawrence W. Smith & Associates, Inc., for the purpose of consulting with the Division of Budget, Management and Finance in order to develop a recommended solution for improving the County's accounts receivable management situation, and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CUSACK, MARSHALL, McCARVILLE & RANZENHOFER (AYES 11, NOES 4).

CARRIED.

Item 26 –MR. SCHROEDER presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 474

October 28, 2004

ECONOMIC DEVELOPMENT  
 COMMITTEE  
 REPORT NO. 15

ALL MEMBERS PRESENT EXCEPT LEGISLATOR SWANICK.

1. RESOLVED, that the following items were hereby received and filed.

- |   |   |       |                |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
|---|---|-------|----------------|-------|----------------|---|--|--|--|---|--|--|--|----------------------------------|--|--|--|
| a.  | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2003</td> <td>(Comm. 15D-28)</td> </tr> <tr> <td colspan="4"><b>DPW:</b> Audit Response for Aurora Highway District.</td> </tr> <tr> <td colspan="4">(4-0) Legislator Swanick absent.</td> </tr> </table>   | Item  | Page           | -2003 | (Comm. 15D-28) | <b>DPW:</b> Audit Response for Aurora Highway District.                                       |  |  |  | (4-0) Legislator Swanick absent.  |  |  |  |                                  |  |  |  |
| Item  | Page  | -2003 | (Comm. 15D-28) |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| <b>DPW:</b> Audit Response for Aurora Highway District.                                       |   |       |                |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| (4-0) Legislator Swanick absent.  |   |       |                |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| b.  | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2003</td> <td>(Comm. 15E-72)</td> </tr> <tr> <td colspan="4"><b>COMPTROLLER:</b> Audit of Aurora Highway District Operations for Period 1/1/01 – 12/31/02.</td> </tr> <tr> <td colspan="4">(4-0) Legislator Swanick absent.</td> </tr> </table>   | Item  | Page           | -2003 | (Comm. 15E-72) | <b>COMPTROLLER:</b> Audit of Aurora Highway District Operations for Period 1/1/01 – 12/31/02. |  |  |  | (4-0) Legislator Swanick absent.  |  |  |  |                                  |  |  |  |
| Item  | Page  | -2003 | (Comm. 15E-72) |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| <b>COMPTROLLER:</b> Audit of Aurora Highway District Operations for Period 1/1/01 – 12/31/02. |   |       |                |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| (4-0) Legislator Swanick absent.  |   |       |                |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| c.  | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 6D-8)</td> </tr> <tr> <td colspan="4"><b>DPW:</b> Follow-Up to the Aurora Highway Division Final Audit.</td> </tr> <tr> <td colspan="4">(4-0) Legislator Swanick absent.</td> </tr> </table>   | Item  | Page           | -2004 | (Comm. 6D-8)   | <b>DPW:</b> Follow-Up to the Aurora Highway Division Final Audit.                             |  |  |  | (4-0) Legislator Swanick absent.  |  |  |  |                                  |  |  |  |
| Item  | Page  | -2004 | (Comm. 6D-8)   |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| <b>DPW:</b> Follow-Up to the Aurora Highway Division Final Audit.                             |   |       |                |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| (4-0) Legislator Swanick absent.  |   |       |                |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| d.  | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 16M-7)</td> </tr> <tr> <td colspan="4"><b>WESTERN ERIE CANAL HERITAGE CORRIDOR PLANNING COMMISSION:</b></td> </tr> <tr> <td colspan="4">Western Erie Canal Heritage Corridor Management Plan – Executive Summary.</td> </tr> <tr> <td colspan="4">(4-0) Legislator Swanick absent.</td> </tr> </table> | Item  | Page           | -2004 | (Comm. 16M-7)  | <b>WESTERN ERIE CANAL HERITAGE CORRIDOR PLANNING COMMISSION:</b>                              |  |  |  | Western Erie Canal Heritage Corridor Management Plan – Executive Summary. |  |  |  | (4-0) Legislator Swanick absent. |  |  |  |
| Item  | Page  | -2004 | (Comm. 16M-7)  |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| <b>WESTERN ERIE CANAL HERITAGE CORRIDOR PLANNING COMMISSION:</b>                              |   |       |                |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| Western Erie Canal Heritage Corridor Management Plan – Executive Summary.                     |   |       |                |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| (4-0) Legislator Swanick absent.  |   |       |                |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| e.  | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 21D-2)</td> </tr> <tr> <td colspan="4"><b>DPW:</b> Memo Re: Status of FEMA Reimbursable Projects.</td> </tr> <tr> <td colspan="4">(4-0) Legislator Swanick absent.</td> </tr> </table>   | Item  | Page           | -2004 | (Comm. 21D-2)  | <b>DPW:</b> Memo Re: Status of FEMA Reimbursable Projects.                                    |  |  |  | (4-0) Legislator Swanick absent.  |  |  |  |                                  |  |  |  |
| Item  | Page  | -2004 | (Comm. 21D-2)  |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| <b>DPW:</b> Memo Re: Status of FEMA Reimbursable Projects.                                    |   |       |                |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| (4-0) Legislator Swanick absent.  |   |       |                |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| f.  | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 21E-40)</td> </tr> <tr> <td colspan="4"><b>COUNTY EXECUTIVE:</b> Award of Contract – Lapp Road Bridge Replacement –</td> </tr> <tr> <td colspan="4">(Comm. 17E-29).</td> </tr> <tr> <td colspan="4">(4-0) Legislator Swanick absent.</td> </tr> </table>   | Item  | Page           | -2004 | (Comm. 21E-40) | <b>COUNTY EXECUTIVE:</b> Award of Contract – Lapp Road Bridge Replacement –                   |  |  |  | (Comm. 17E-29).   |  |  |  | (4-0) Legislator Swanick absent. |  |  |  |
| Item  | Page  | -2004 | (Comm. 21E-40) |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| <b>COUNTY EXECUTIVE:</b> Award of Contract – Lapp Road Bridge Replacement –                   |   |       |                |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| (Comm. 17E-29).   |   |       |                |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| (4-0) Legislator Swanick absent.  |   |       |                |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| g.  | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 21M-9)</td> </tr> <tr> <td colspan="4"><b>BUFFALO PLACE:</b> Copy of 2005 Budget &amp; Minutes from Public Hearing.</td> </tr> <tr> <td colspan="4">(4-0) Legislator Swanick absent.</td> </tr> </table>   | Item  | Page           | -2004 | (Comm. 21M-9)  | <b>BUFFALO PLACE:</b> Copy of 2005 Budget & Minutes from Public Hearing.                      |  |  |  | (4-0) Legislator Swanick absent.  |  |  |  |                                  |  |  |  |
| Item  | Page  | -2004 | (Comm. 21M-9)  |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| <b>BUFFALO PLACE:</b> Copy of 2005 Budget & Minutes from Public Hearing.                      |   |       |                |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| (4-0) Legislator Swanick absent.  |   |       |                |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| h.  | <table border="0"> <tr> <td style="padding-right: 20px;">Item</td> <td style="padding-right: 20px;">Page</td> <td style="padding-right: 20px;">-2004</td> <td>(Comm. 22M-2)</td> </tr> <tr> <td colspan="4"><b>WIB:</b> Letter to Legislator Schroeder Re: Geico &amp; Niagara Ceramics Projects.</td> </tr> </table>   | Item  | Page           | -2004 | (Comm. 22M-2)  | <b>WIB:</b> Letter to Legislator Schroeder Re: Geico & Niagara Ceramics Projects.             |  |  |  |   |  |  |  |                                  |  |  |  |
| Item  | Page  | -2004 | (Comm. 22M-2)  |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |
| <b>WIB:</b> Letter to Legislator Schroeder Re: Geico & Niagara Ceramics Projects.             |   |       |                |       |                |   |  |  |  |   |  |  |  |                                  |  |  |  |

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

(4-0) Legislator Swanick absent.

**MARK J. F. SCHROEDER**  
**CHAIRMAN**

MR. SCHROEDER moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 27 – MR. DEBENEDETTI presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTON NO. 475

October 28, 2004

FINANCE & MANAGEMENT  
 COMMITTEE  
 REPORT NO. 14

ALL MEMBERS PRESENT.

1. RESOLVED, that the following items are hereby received and filed.
  - a. Item Page -2003 (Intro. 9-18)  
**HOLT, MARINELLI, DEBENEDETTI, SCHROEDER & FISHER:** Taxpayer Relief, Debt Reduction & Budget Stabilization Act of 2003.  
 (5-0)
  - b. Item Page -2003 (Intro. 18-12)  
**DEBENEDETTI, HOLT & SMITH:** Sharing the Temporary Assistance for Extraordinary Financial Difficulties.  
 (5-0)
  - c. Item Page -2003 (Intro. 18-13)  
**DEBENEDETTI, HOLT & SMITH:** Regional Property Tax Stabilization.  
 (5-0)
  - d. Item Page -2004 (Comm. 6E-11)  
**COMPTROLLER:** Copies of Letter from Commissioner of Personnel & Comptroller's Response Re: Cash-Outs & a Salary Adjustment Paid to High-Ranking M/C Employees.  
 (5-0)
  - e. Item Page -2004 (Comm. 6E-35)  
**COUNTY EXECUTIVE:** Resubmission of Re-Engineering Adjustments.  
 (5-0)

- f.     Item            Page                               -2004            (Comm. 7D-3)  
**COUNTY ATTORNEY:** Legal Opinion Re: Salary Adjustment & Accrued Leave  
Payments.  
(5-0)
- g.     Item            Page                               -2004            (Comm. 9D-16)  
**BUDGET, MANAGEMENT & FINANCE:** Response to Request for ECMC Financial  
Information.  
(5-0)
- h.     Item            Page                               -2004            (Comm. 9D-19)  
**COUNTY ATTORNEY:** Copy of Letter to Comptroller Re: Audit of Office Furniture  
Purchases.  
(5-0)
- i.     Item            Page                               -2004            (Comm. 9E-84)  
**COUNTY EXECUTIVE:** Audit of Furniture.  
(5-0)
- j.     Item            Page                               -2004            (Comm. 10E-27)  
**DEBENEDETTI:** Letter to County Attorney Re: Retention of Outside Counsel – Furniture  
Audit.  
(5-0)
- k.     Item            Page                               -2004            (Comm. 11E-2)  
**COMPTROLLER:** Response to Request for Documentation to Support Payments Made for  
Services Provided with Sale of ECMC.  
(5-0)
- l.     Item            Page                               -2004            (Comm. 11E-32)  
**DEBENEDETTI:** Copy of Letter to Budget Director Re: Position Vacancy Reports.  
(5-0)
- m.     Item            Page                               -2004            (Intro. 11-1)  
**MINORITY CAUCUS:** In Opposition to Part Z, Section 1. Page 73, Lines 39 & 40, of the  
NYS 2004-5 Budget (S.6056/A.9556).  
(5-0)
- n.     Item            Page                               -2004            (Comm. 16D-8)  
**BUDGET, MANAGEMENT & FINANCE:** Recommended Budget Amendments.  
(5-0)
- o.     Item            Page                               -2004            (Comm. 17D-7)  
**COUNTY ATTORNEY:** Summary of Term & Termination Provisions of the Buffalo Bills  
Stadium Lease with EC.

**MEETING NO. 23****November 4, 2004****ERIE COUNTY LEGISLATURE**

- (5-0)
- p.     Item           Page                           -2004           (Comm. 17E-10)  
**COUNTY EXECUTIVE:** Amendments to 2004 Adopted Budget – Attachments “B” & “C”  
to Communication 16D-8 (2004).  
(5-0)
- q.     Item           Page                           -2004           (Comm. 19D-47)  
**BUDGET, MANAGEMENT & FINANCE:** Background on 2005 Budget Preparation.  
(5-0)
- r.     Item           Page                           -2004           (Comm. 19E-3)  
**COMPTROLLER:** Letter Re: Budget Deficit Projections.  
(5-0)
- s.     Item           Page                           -2004           (Comm. 19E-8)  
**COMPTROLLER:** Letter Re: County Bond Rating Downgrade.  
(5-0)
- t.     Item           Page                           -2004           (Comm. 19E-15)  
**COMPTROLLER:** 2003 Comprehensive Annual Financial Report.  
(5-0)
- u.     Item           Page                           -2004           (Comm. 19E-16)  
**COUNTY EXECUTIVE:** 2004 Budget Amendments.  
(5-0)
- v.     Item           Page                           -2004           (Comm. 19E-20)  
**COMPTROLLER:** Supplement to 2003 Comprehensive Annual Financial Report.  
(5-0)
- w.     Item           Page                           -2004           (Comm. 19E-28)  
**DEBENEDETTI:** Letter to NYS Attorney General Re: Buffalo Office Interiors.  
(5-0)
- x.     Item           Page                           -2004           (Comm. 19E-40)  
**DEBENEDETTI:** Letter to Comptroller Re: ETASC & Tobacco Settlement Proceeds.  
(5-0)
- y.     Item           Page                           -2004           (Comm. 19E-41)  
**DEBENEDETTI:** Letter to Fleet Service Director Re: Fuel Budget.  
(5-0)

**MEETING NO. 23****November 4, 2004****ERIE COUNTY LEGISLATURE**

- z. Item Page -2004 (Comm. 19E-46)  
**DEBENEDETTI:** Letter to County Attorney Re: Retention of Outside Counsel – Furniture Audit.  
 (5-0)
- aa. Item Page -2004 (Comm. 19M-24)  
**BUFFALO FISCAL STABILITY AUTHORITY:** Review of Four-Year Financial Plan for Fiscal Years Ending 2005-2008.  
 (5-0)
- bb. Item Page -2004 (Comm. 21D-14)  
**PURCHASE:** 4<sup>th</sup> Quarter Vehicle Purchases.  
 (5-0)
- cc. Item Page -2004 (Comm. 21E-7)  
**COMPTROLLER:** Letter Re: Budget Monitoring Reports.  
 (5-0)
- dd. Item Page -2004 (Comm. 21E-20)  
**COMPTROLLER:** Federal Financial Assistance Report for Year Ended 12/03.  
 (5-0)
- ee. Item Page -2004 (Comm. 21E-21)  
**COMPTROLLER:** Copy of Letter to Budget Director Re: Restructuring of County Debt.  
 (5-0)
- ff. Item Page -2004 (Comm. 22E-8)  
**COMPTROLLER:** Letter to Legislators Re: Restructuring Outstanding Indebtedness.  
 (4-1) Legislator Weinstein in the negative.
- gg. Item Page -2004 (Comm. 22E-12)  
**COMPTROLLER:** Refunding Bond Resolution.  
 (5-0)
- hh. Item Page -2004 (Comm. 22M-6)  
**JOHN KASMER:** Letter to Legislator Weinstein Re: Suggestions for savings.  
 (5-0)

**AS AMENDED**

2. Item Page -2004 (Comm. 1D-21)  
**DIRECTOR OF BUDGET, MANAGEMENT & FINANCE**  
 WHEREAS, the Erie County Director of Real property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556 and





**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Charge To :                    142289 AMHERST                    \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF  
 30,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C  
 CHECK FOR: TOBIE MURPHY                    WILLIAMSVILLE CENTRAL

FISCAL YEAR 2003                    Petition No.                    204357

ASSESSOR                    Refund                    \$587.16

S-B-L 28.14-1-6                    142289 AMHERST

Acct. No. 112                    \$0.00                    County  
 Acct. No. 132                    \$587.16                    Town/SpecialDist/School

41854 BASIC STAR EXEMPTION                    \$587.16

Charge To :                    142289 AMHERST                    \$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF  
 30,000 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C  
 CHECK FOR: TOBIE MURPHY                    WILLIAMSVILLE CENTRAL

FISCAL YEAR 2004                    Petition No.                    204358

ASSESSOR                    Cancel                    \$598.20

S-B-L 28.14-1-6                    142289 AMHERST

Acct. No. 112                    \$0.00                    County  
 Acct. No. 132                    \$598.20                    Town/SpecialDist/School

41854 BASIC STAR EXEMPTION                    \$598.20

Charge To :                    142289 AMHERST                    \$0.00

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF  
 30,000 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2004                    Petition No.                    204359

ASSESSOR                    Cancel                    \$977.06

S-B-L 28.12-6-8.1                    142289 AMHERST

Acct. No. 112                    \$0.00                    County  
 Acct. No. 132                    \$977.06                    Town/SpecialDist/School

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

<u>Charge To :</u>	142289 AMHERST	\$977.06	
	Relevy School	\$977.06	142203 WILLIAMSVILLE CENT

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 195,000 AND SHOULD BE 146,000. RPTL 550(2)A.

FISCAL YEAR 20014	Petition No.	204360
ASSESSOR	Cancel	\$598.20

S-B-L 41.08-7-11 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$598.20	Town/SpecialDist/School
41854 BASIC STAR EXEMPTION		\$598.20	
<u>Charge To :</u>	142289 AMHERST	\$0.00	

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004	Petition No.	204361
ASSESSOR	Cancel	\$997.00

S-B-L 42.08-1-42 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$997.00	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$997.00	
	Relevy School	\$997.00	142203 WILLIAMSVILLE CENT

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 134,700 AND SHOULD BE 84,000. RPTL 550(2)A

FISCAL YEAR 2004	Petition No.	204362
ASSESSOR	Cancel	\$387.58

S-B-L 54.34-1-8./308 142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$387.58	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$387.58	

**MEETING NO. 23****November 4, 2004****ERIE COUNTY LEGISLATURE**

Relevy School	\$387.58	142207 SWEET HOME CENTRAL
---------------	----------	---------------------------

CANCEL- CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 28,035 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004	Petition No.	204363
------------------	--------------	--------

ASSESSOR	Refund	\$138.25
----------	--------	----------

S-B-L 54.40-1-1./904B	142289 AMHERST
-----------------------	----------------

Acct. No. 112	\$0.00	County
---------------	--------	--------

Acct. No. 132	\$138.25	Town/SpecialDist/School
---------------	----------	-------------------------

41834 NYS STAR ENHANCED EXEMPTION	\$138.25	
-----------------------------------	----------	--

<u>Charge To :</u>	142289 AMHERST	\$0.00
--------------------	----------------	--------

REFUND - CLERICAL ERROR, RECEIVED THE BASIC STAR IN THE AMOUNT OF 30,000. ENTITLED TO THE ENHANCED STAR IN THE AMOUNT OF 50,000.  
CHECJK FOR: ROSE RUZZENE SWEET HOME CENTRAL

FISCAL YEAR 2004	Petition No.	204364
------------------	--------------	--------

ASSESSOR	Cancel	\$996.99
----------	--------	----------

S-B-L 55.11-1-11	142289 AMHERST
------------------	----------------

Acct. No. 112	\$0.00	County
---------------	--------	--------

Acct. No. 132	\$996.99	Town/SpecialDist/School
---------------	----------	-------------------------

<u>Charge To :</u>	142289 AMHERST	\$996.99
--------------------	----------------	----------

Relevy School	\$996.99	142203 WILLIAMSVILLE CENT
---------------	----------	---------------------------

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 750,000 AND SHOULD BE 700,000.  
RPTL 550(2)A

FISCAL YEAR 2004	Petition No.	204365
------------------	--------------	--------

ASSESSOR	Cancel	\$997.00
----------	--------	----------

S-B-L 56.05-3-26	142289 AMHERST
------------------	----------------

Acct. No. 112	\$0.00	County
---------------	--------	--------

**MEETING NO. 23****November 4, 2004****ERIE COUNTY LEGISLATURE**

	Acct. No. 132	\$997.00	Town/SpecialDist/School
	41834 NYS STAR ENHANCED EXEMPTION	\$997.00	
<u>Charge To :</u>	142289 AMHERST		\$0.00

CANCEL - CLERICAL ERROR, THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 50,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004                      Petition No.                      204366

ASSESSOR                      Cancel                      \$996.97

S-B-L 56.07-4-7    142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$996.97	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$996.97
	Relevy School	\$996.97	142203 WILLIAMSVILLE CENT

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 295,000 AND SHOULD BE 215,000. RPTL 550(2)A

FISCAL YEAR 2004                      Petition No.                      204367

ASSESSOR                      Cancel                      \$219.34

S-B-L 56.18-3-17    142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$219.34	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST		\$219.34
	Relevy School	\$219.34	142203 WILLIAMSVILLE CENT

CANCEL CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. ASSESSED VALUE WAS 151,000 AND AND SHOULD BE 140,000. RPTL 550(2)A

FISCAL YEAR 2004                      Petition No.                      204368

ASSESSOR                      Cancel                      \$691.24

S-B-L 647.48-3-7    142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$691.24	Town/SpecialDist/School

**MEETING NO. 23****November 4, 2004****ERIE COUNTY LEGISLATURE**

41834 NYS STAR ENHANCED EXEMPTION \$691.24  
Charge To : 142289 AMHERST \$0.00

CANCEL - CLERICAL ERROR, THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 50,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C  
 SWEET HOME CENTRAL

FISCAL YEAR 2004 Petition No. 204369

ASSESSOR Cancel \$638.09

S-B-L 79.25-1-26 142289 AMHERST

Acct. No. 112 \$0.00 County  
 Acct. No. 132 \$638.09 Town/SpecialDist/School

41854 BASIC STAR EXEMPTION \$638.09  
Charge To : 142289 AMHERST \$0.00

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED IN ERROR FROM THE TAX ROLL. RPTL 550(2)C  
 AMHERST CENTRAL

FISCAL YEAR 2004 Petition No. 204370

ASSESSOR Cancel \$714.66

S-B-L 80.13-7-4 142289 AMHERST

Acct. No. 112 \$0.00 County  
 Acct. No. 132 \$714.66 Town/SpecialDist/School

Charge To : 142289 AMHERST \$714.66  
 Relevy School \$714.66 142201 AMHERST CENTRAL

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 4,400 WAS MISCALCULATED. THE CORRECT EXEMPTION IN THE AMOUNT OF 44,000 WAS OMITTED. RPTL 550(2)C

FISCAL YEAR 2004 Petition No. 204371

ASSESSOR Cancel \$1,312.04

S-B-L 81.05-2-36 142289 AMHERST



**MEETING NO. 23****November 4, 2004****ERIE COUNTY LEGISLATURE**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$587.64	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$587.64	
	Relevy School	\$587.64	143002 CHEEK. UNION #2

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 26,800 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004                      Petition No.                      204375

ASSESSOR                      Cancel                      \$513.54

S-B-L 114.18-8-30    143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$513.54	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$513.54	
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$0.00	

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 19,500 WAS OMITTED FROM THE TA X ROLL IN ERROR. RPTL 550(2)C

FISCAL YEAR 2004                      Petition No.                      204376

ASSESSOR                      Cancel                      \$654.99

S-B-L 125.11-2-5    143089 CHEEKTOWAGA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$654.99	Town/SpecialDist/School
<u>Charge To :</u>	143089 CHEEKTOWAGA	\$654.99	
	Relevy School	\$654.99	146801 WEST SENECA CENT

CANCEL - CLERICAL ERROR, THE DISABILITY EXEMPTION IN THE AMOUNT OF 24,200 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004                      Petition No.                      204377

ASSESSOR                      Cancel                      \$1,244.77

S-B-L 44.00-1-29.1    143200 CLARENCE

	Acct. No. 112	\$0.00	County
--	---------------	--------	--------

**MEETING NO. 23****November 4, 2004****ERIE COUNTY LEGISLATURE**

<u>Charge To :</u>	Acct. No. 132	\$1,244.77	Town/SpecialDist/School
	143200 CLARENCE		\$1,244.77
	Relevy School	\$1,244.77	143201 CLARENCE CENTRAL

CANCEL - CLERICAL ERROR, THE PARCEL DOES NOT EXIST. SBL WAS ENTERED INCORRECTLY ON THE TAX ROLL. RPTL 550(2)F.

FISCAL YEAR 2004                      Petition No.                      204378

ASSESSOR                      Cancel                      \$166.00

S-B-L 44.00-4-24.1    143200 CLARENCE

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$166.00	Town/SpecialDist/School
	143200 CLARENCE		\$166.00
	Relevy School	\$166.00	143201 CLARENCE CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 29,000 AND SHOULD BE 19,000. RPTL 550(2)A

FISCAL YEAR 2004                      Petition No.                      204379

ASSESSOR                      Cancel                      \$164.34

S-B-L 44.00-4-24.2    143200 CLARENCE

<u>Charge To :</u>	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$164.34	Town/SpecialDist/School
	143200 CLARENCE		\$164.34
	Relevy School	\$164.34	143201 CLARENCE CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 29,500 AND SHOULD BE 19,600. RPTL 550(2)C

FISCAL YEAR 2004                      Petition No.                      204380

ASSESSOR                      Cancel                      \$497.99

S-B-L 44.10-4-30    143200 CLARENCE

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$497.99	Town/SpecialDist/School

**MEETING NO. 23****November 4, 2004****ERIE COUNTY LEGISLATURE**

<u>Charge To :</u>	143200 CLARENCE	\$497.99	
	Relevy School	\$497.99	143201 CLARENCE CENTRAL

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C  
CLARENCE CENTRAL

FISCAL YEAR 2004	Petition No.	204381
------------------	--------------	--------

ASSESSOR	Cancel	\$330.33
----------	--------	----------

S-B-L 71.03-5-8.1/BM	143200 CLARENCE
----------------------	-----------------

Acct. No. 112	\$0.00	County
Acct. No. 132	\$330.33	Town/SpecialDist/School

41854 BASIC STAR EXEMPTION	\$330.33	
----------------------------	----------	--

<u>Charge To :</u>	143200 CLARENCE	\$0.00
--------------------	-----------------	--------

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C  
CLARENCE CENTRAL

FISCAL YEAR 2004	Petition No.	204382
------------------	--------------	--------

ASSESSOR	Cancel	\$1,675.39
----------	--------	------------

S-B-L 347.08-3-7	143889 CONCORD
------------------	----------------

Acct. No. 112	\$0.00	County
Acct. No. 132	\$1,675.39	Town/SpecialDist/School

41834 NYS STAR ENHANCED EXEMPTION	\$837.69	
-----------------------------------	----------	--

<u>Charge To :</u>	143889 CONCORD	\$837.70	
	Relevy School	\$837.70	143801 SPRING-GRIFFITH

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 25,000 (50%) AND THE ENHANCED STAR IN THE AMOUNT OF 30,630 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004	Petition No.	204383
------------------	--------------	--------

ASSESSOR	Refund	\$458.38
----------	--------	----------

S-B-L 235.00-2-6	144489 EVANS
------------------	--------------

Acct. No. 112	\$0.00	County
---------------	--------	--------

**MEETING NO. 23****November 4, 2004****ERIE COUNTY LEGISLATURE**

	Acct. No. 132	\$458.38	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$458.38	
<u>Charge To :</u>	144489 EVANS		\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 1,860 WAS OMITTED ON A LOT IN THE MOBIL HOME PARK. RPTL 550(2)C  
CHECK FOR: MARGURERITE & RALPH HOGG

FISCAL YEAR 2004                      Petition No.                      204384

ASSESSOR                      Cancel                      \$1,253.55

S-B-L 183.06-2-36    144889 HAMBURG

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,253.55	Town/SpecialDist/School
<u>Charge To :</u>	144889 HAMBURG		\$1,253.55
	Relevy School	\$1,253.55	144804 FRONTIER CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 75,000 AND SHOULD BE 12,000.  
RPTL 550(2)A

FISCAL YEAR 2004                      Petition No.                      204385

ASSESSOR                      Refund                      \$623.33

S-B-L 217.00-3-36.11    145000 HOLLAND

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$623.33	Town/SpecialDist/School
<u>Charge To :</u>	145000 HOLLAND		\$623.33
	Relevy School	\$623.33	145001 HOLLAND CENTRAL

REFUND- CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT 64,700 SHOULD BE 20,100. RPTL 550(2)A  
CHECK FOR: JAMES & TATIANA OLEARY

FISCAL YEAR 2004                      Petition No.                      204386

ASSESSOR                      Refund                      \$489.54

S-B-L 126.11-7-35    145289 LANCASTER

	Acct. No. 112	\$0.00	County
--	---------------	--------	--------



**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$87.91	Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD	\$87.91	
	Relevy School	\$87.91	145601 AKRON CENTRAL

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 18,100 AND SHOULD BE 12,000.

RPTL 550(2)A

FISCAL YEAR 2004                      Petition No.                      204390

ASSESSOR                      Cancel                      \$196.16

S-B-L 60.00-3-6./181    145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$196.16	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$196.16	
<u>Charge To :</u>	145689 NEWSTEAD		\$0.00

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 32,390 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

CLARENCE CENTRAL

FISCAL YEAR 2004                      Petition No.                      204391

ASSESSOR                      Refund                      \$2,940.16

S-B-L 85.00-2-4    145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$2,940.16	Town/SpecialDist/School
	41834 NYS STAR ENHANCED EXEMPTION	\$2,940.16	
<u>Charge To :</u>	145689 NEWSTEAD		\$0.00

REFUND - CLERICAL ERROR, THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 158,900 WAS OMITTED FOR THIS MOBIL PARK. RPTL 550(2)B  
 CHECK FOR: DENNIS & EUNICE HODOMINT    ALDEN CENTRAL

FISCAL YEAR 2004                      Petition No.                      204392

ASSESSOR                      Refund                      \$466.79

S-B-L 85.00-2-28    145689 NEWSTEAD

	Acct. No. 112	\$0.00	County
--	---------------	--------	--------

**MEETING NO. 23****November 4, 2004****ERIE COUNTY LEGISLATURE**

	Acct. No. 132	\$466.79	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$466.79	
<u>Charge To :</u>	145689 NEWSTEAD		\$0.00

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 32,390 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C AKRON CENTRAL CHECK FOR: FARRIN & FREDERICK LINNEMAN

FISCAL YEAR	2004	Petition No.	204393
-------------	------	--------------	--------

ASSESSOR	Cancel	\$945.63
----------	--------	----------

S-B-L 270.00-2-8 145889 NORTH COLLINS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$945.63	Town/SpecialDist/School
	41834 NYS STAR ENHANCED EXEMPTION	\$945.63	
<u>Charge To :</u>	145889 NORTH COLLINS		\$0.00

CANCEL - CLERICAL ERROR, THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 50,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C NORTH COLLINS CENTRAL

FISCAL YEAR	2004	Petition No.	204394
-------------	------	--------------	--------

ASSESSOR	Cancel	\$945.63
----------	--------	----------

S-B-L 269.15-3-23 145889 NORTH COLLINS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$945.63	Town/SpecialDist/School
	41834 NYS STAR ENHANCED EXEMPTION	\$945.63	
<u>Charge To :</u>	145889 NORTH COLLINS		\$0.00

CANCEL - CLERICAL ERROR, THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 50,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C NORTH COLLINS CENTRAL

FISCAL YEAR	2004	Petition No.	204395
-------------	------	--------------	--------

ASSESSOR	Cancel	\$1,304.98
----------	--------	------------

S-B-L 270.00-3-1.1 145889 NORTH COLLINS

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,304.98	Town/SpecialDist/School
	41834 NYS STAR ENHANCED EXEMPTION	\$945.64	
<u>Charge To :</u>	145889 NORTH COLLINS	\$359.34	
	Relevy School	\$359.34	145801 NORTH COLLINS CENT

CANCEL - CLERICAL ERROR, THE SENIOR EXEMPTION IN THE AMOUNT OF 19,000 AND THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 50,000 WAS OMITTED FROM THE TAX ROLL IN ERROR. RPTL 550(2)C NORTH COLLINS CENTRAL

FISCAL YEAR 2004                      Petition No.                      204396

ASSESSOR                      Cancel                      \$6,736.72

S-B-L 285.00-8-7.1                      145889 NORTH COLLINS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$6,736.72	Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS	\$6,736.72	
	Relevy School	\$6,736.72	145801 NORTH COLLINS CENT

CANCEL - CLERICAL ERROR, THE BUSINESS EXEMPTION IN THE AMOUNT OF 356,200 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C

FISCAL YEAR 2004                      Petition No.                      204397

ASSESSOR                      Cancel                      \$945.63

S-B-L 285.00-1-3                      145801 NORTH COLLINS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$945.63	Town/SpecialDist/School
	41834 NYS STAR ENHANCED EXEMPTION	\$945.63	
<u>Charge To :</u>	145801 NORTH COLLINS	\$0.00	

CANCEL - CLERICAL ERROR, THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 50,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C  
 NORTH COLLINS CENTRAL

FISCAL YEAR 2004                      Petition No.                      204398

ASSESSOR                      Cancel                      \$567.38

S-B-L 288.00-1-1.21                      145889 NORTH COLLINS

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$567.38	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$567.38	
<u>Charge To :</u>	145889 NORTH COLLINS	\$0.00	

CANCEL - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 30,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C  
 NORTH COLLINS CENTRAL

FISCAL YEAR	2004	Petition No.	204399
	ASSESSOR	Cancel	\$472.82

S-B-L 288.00-1-13.12 145889 NORTH COLLINS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$472.82	Town/SpecialDist/School
<u>Charge To :</u>	145889 NORTH COLLINS	\$472.82	
	Relevy School	\$472.82	145801 NORTH COLLINS CENT

CANCEL - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSED VALUE WAS 75,000 AND SHOULD BE 50,000.  
 RPTL 550(2)A

FISCAL YEAR	2004	Petition No.	204400
	ASSESSOR	Cancel	\$945.64

S-B-L 303.00-3-4 145801 NORTH COLLINS

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$945.64	Town/SpecialDist/School
	41834 NYS STAR ENHANCED EXEMPTION	\$945.64	
<u>Charge To :</u>	145801 NORTH COLLINS	\$0.00	

CANCEL - CLERICAL ERROR, THE ENHANCED STAR EXEMPTION IN THE AMOUNT OF 50,000 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C  
 NORTH COLLINS CENTRAL

FISCAL YEAR	2004	Petition No.	204401
	ASSESSOR	Cancel	\$945.64

S-B-L 316.00-1-10 145889 NORTH COLLINS





**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

S-B-L 56.12-6-35

142289 AMHERST

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$1,196.40	Town/SpecialDist/School
<u>Charge To :</u>	142289 AMHERST	\$1,196.40	
	Relevy School	\$1,196.40	142203 WILLIAMSVILLE CENT

REFUND - CLERICAL ERROR, THE ASSESSED VALUE WAS ENTERED INCORRECTLY ON THE TAX ROLL. THE ASSESSMENT WAS 500,000 AND SHOULD BE 440,000.  
 CHECK FOR: STEVEN & MILLICENT BLECK

FISCAL YEAR 2004

Petition No. 204408

ASSESSOR Refund \$437.56

S-B-L 148.00-6-9.2

145400 MARILLA

	Acct. No. 112	\$0.00	County
	Acct. No. 132	\$437.56	Town/SpecialDist/School
	41854 BASIC STAR EXEMPTION	\$437.56	
<u>Charge To :</u>	145400 MARILLA	\$0.00	

REFUND - CLERICAL ERROR, THE BASIC STAR EXEMPTION IN THE AMOUNT OF 17,410 WAS OMITTED FROM THE TAX ROLL. RPTL 550(2)C  
 CHECK FOR: NATHAN BARNARD & CARRIE KALERSKI IROQUOIS CENTRAL  
 (5-0)

3. Item Page -2004 (Comm. 22E-25)

**COUNTY EXECUTIVE**

WHEREAS, the Personnel Department has examined its appropriation for Professional Service Contracts, and has determined that current funds needed to pay examination monitor fees will not be adequate for 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are hereby authorized in the 2004 Adopted Budget of the Personnel Department.

<u>Account</u>	<u>Commitment Item</u>	<u>Increase</u> <u>(Decrease)</u>
516020	Professional Service Contracts	4310
530000	Other Expenses	(4310)
	Net Charge	-0-

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

and be it further

RESOLVED, that certified copies of this resolution shall be sent to the County Executive, the Commissioner of Personnel, the Director of Budget, Management & Finance and the County Comptroller.

(5-0)

**ALBERT DEBENEDETTI**  
**CHAIRMAN**

MR. DEBENEDETTI moved to separate item #1ff (Comm. 22E-8) and #1gg (Comm22E-12) and moved the balance of the report for approval. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved to send item #1ff (Comm. 22E-8) back to the FINANCE & MANAGEMENT COMMITTEE. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

MR. RANZENHOFER moved to send item #1gg (Comm22E-12) back to the FINANCE & MANAGEMENT COMMITTEE. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

**LEGISLATORS RESOLUTIONS**

Item 28 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 476

Re: Transfer l of Public Benefit Funds.  
(Intro. 23-1)

**A RESOLUTION SUBMITTED BY LEGISLATORS**  
**CUSACK, SWANICK AND WEINSTEIN**

WHEREAS, the Legislature set aside funds in the 2004 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$4,000 from Fund Center 100, Account 516000 to the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following groups:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSORS</u>
Town of Tonawanda (Rodent Control)	\$4,000	CUSACK, SWANICK and WEINSTEIN
TOTAL	\$4,000	

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators- Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2004 budgeted funds

MS. MARINELLI moved the approval of the resolution. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

Item 29 – CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

CHALLENGE THE CHAIR.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES – 7, NOES – 8.)

FAILED.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Intro. 23-2 FROM LEGISLATORS McCARVILLE & CHASE Re: Establishment of a Policy to Investigate Allegations of Wrongdoing in Erie County Government & the Protection of Whistleblowers.

Item 30 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 477

Re: Consideration for Public Benefit  
Funding. (Intro. 23-3)

A RESOLUTION SUBMITTED BY LEGISLATORS CHASE & CUSACK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

WHEREAS, on October 21, 2004, the Erie County Legislature unanimously approved Intro. 22-8, as amended, designating the Town of Evans to receive an application for Public Benefit Funding, and,

NOW, THEREFORE, BE IT

RESOLVED, the designation for the Town of Evans per Intro. 22-8 (2004) be reallocated to a new and proper allocation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,000 from (DAC 1109223108050109) Cost Center 1401010, General Ledger Account 502100 to the Erie County Department of Public Works, Fund 210, Fund Center 1232030, Cost Center 506400 towards the Town of Evans Bike Path, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Department of Public Works Commissioner Maria Lehman & Deputy Commissioner Gerald Sentz; Public Administrators of the Erie County Legislature, Laurie A. Manzella & Crystal Quick; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

MR. RANZENHOFER moved to amend the resolution. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

- **DELETE** The Resolution in its Entirety and **REPLACE** with the following:

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

WHEREAS, on October 21, 2004, the Erie County Legislature unanimously approved Intro. 22-8, as amended, designating the Town of Evans to receive an application for Public Benefit Funding, and,

WHEREAS, on March 4, 2004, the Erie County Legislature unanimously approved Intro. 6-11 designating the American Red Cross to receive an application for Public Benefit Funding, and,

NOW, THEREFORE, BE IT

RESOLVED, the designation for the Town of Evans per Intro. 22-8 (2004) be reallocated to a new and proper allocation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$5,000 from (DAC 1109223108050109) Cost Center 1401010, General Ledger Account 502100 to the Erie County Department of Public Works, Fund 210, Fund Center 1232030, Cost Center 506400 towards the Town of Evans Bike Path, and be it further

RESOLVED, the designation for the American Red Cross per Intro. 6-11 (2004) be reallocated to a new and proper allocation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
St. Christopher's School in Tonawanda	\$2,483	CUSACK

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Department of Public Works Commissioner Maria Lehman & Deputy Commissioner Gerald Sentz; Public Administrators of the Erie County Legislature, Laurie A. Manzella & Crystal Quick; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

MR. RANZENHOFER moved the approval of the resolution as amended. MS. CHASE seconded.

CARRIED UNANIMOUSLY.

Item 31 – CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 23-4 FROM LEGISLATORS McCARVILLE, MARSHALL, CHASE, RANZENHOFER, CUSACK & SWANICK Re: Urging Governor Pataki to sign the Home Inspection Professional Licensing Act (A.76-B/S.6100-B).

Item 32 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 478

Re: Appointments of Democratic &  
 Republican Commissioners of Elections.  
 (Intro. 23-5)

A RESOLUTION SUBMITTED BY LEGISLATORS  
 HOLT, MARINELLI, KUWIK, DEBENEDETTI, DUSZA, SCHROEDER, SMITH,  
 WROBLEWSKI, RANZENHOFER, SWANICK, CHASE, WEINSTEIN, CUSACK,  
 MCCARVILLE, AND MARSHALL

WHEREAS, on October 29, 2004, pursuant to Election Law § 3-204 (2), the Erie County Democratic Committee filed with the Clerk of the Erie County Legislature a Certificate of Party Recommendation, recommending the appointment of Dennis E. Ward, residing at 210 Capen Blvd., Amherst, New York 14226 for appointment to the office of Democratic Commissioner of Elections for a full four year term, and

WHEREAS, on October 28, 2004, pursuant to Election Law § 3-204 (2), the Erie County Republican Committee filed with the Clerk of the Erie County Legislature a Certificate of Party Recommendation, recommending the appointment of Ralph M. Mohr, residing at 5622 Broadway Street, Lancaster, New York 14086, for appointment to the office of Republican Commissioner of Elections for a full four year term, and

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, said appointments are to commence January 1, 2005,

NOW, THEREFORE, BE IT

RESOLVED, that in accordance with the New York State Election Law, the Erie County Legislature hereby appoints Dennis E. Ward, residing at 210 Capen Blvd., Amherst, New York 14226, as Democratic Commissioner of Elections for a full four year term commencing January 1, 2005, and be it further

RESOLVED, that further in accordance with the New York State Election Law, the Erie County Legislature hereby appoints Ralph M. Mohr, residing at 5622 Broadway Street, Lancaster, New York 14086, as Republican Commissioner of Elections for a full four year term commencing January 1, 2005, and be it further

RESOLVED, that certified copies of this resolution be sent to the Commissioners of the Board of Elections.

**Fiscal Impact:** None for Resolution.

MS. MARINELLI moved the approval of the resolution. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 33 – CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 23-6 FROM LEGISLATOR DEBENEDETTI Re: Recoupment of Legal Fees in Buffalo Office Furniture Matter.

Item 34 – MR. KUWIK presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 479

Re: Consideration for Public Benefit  
 Funding. (Intro. 23-7)

A RESOLUTION SUBMITTED BY  
 LEGISLATOR KUWIK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

MR. KUWIK moved to amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

- **ADD** the following **RESOLVE** clauses:

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<b>NAME</b>	<b>RECOMMENDED AMOUNT</b>	<b><u>SPONSOR</u></b>
Town of Hamburg Drug Court	\$ 4,000	Kuwik
Lackawanna City School District	\$ 1,500	Kuwik
<b>TOTAL</b>	<b>\$5,500</b>	

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators Crystal L. Quick and Laurie Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

MR. KUWIK moved the approval of the resolution as amended. MS MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 35 – CHAIRMAN HOLT directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Intro. 23-8 FROM LEGISLATORS CHASE & McCARVILLE Re: Supporting the Override of the Governor's Veto for Additional Funding for NYS Office of Fire Prevention & Control.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 36 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 22E-26 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 480

Re: 2004 Road Salt.

WHEREAS, the Division of Highways has examined its current appropriations for road salt and has determined that this account will be inadequate for 2004, and

WHEREAS, it is necessary to provide additional financial funding in the amount of \$400,000 for the purchase of salt by the Highway Division, funds being available in prior year contingencies, and

WHEREAS, in order to properly post this transaction, the General Fund Countywide Budget accounts require adjustments,

NOW, THEREFORE, BE IT,

RESOLVED, that funds in the amount of \$400,000 are hereby appropriated from fund balance in the amount of \$258,788 (Designated Fund balance specified as 1997 County Contingency) and \$141,212 (Designated Fund balance specified as 1998 County Contingency), and be it further,

RESOLVED, that authorization is provided to adjust the following accounts:

<u>FUND</u>	<u>FUND CENTER-DEPARTMENT</u>	<u>ACCOUNT</u>	<u>CHANGE</u>
110	14010 Countywide Budget	402190 Appropriated Fund Balance	(\$400,000)
110	14020 Countywide Budget	570020 Interfund Subsidy- Road	\$400,000
210	123 Highways (DPW)	486000 Interfund Revenue Subsidy	(\$400,000)
210	123 Highways (DPW)	506400 Highway Supplies	\$400,000

and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send two certified copies of this resolution to the Commissioner of Public Works, one copy to the Department of Public Works,

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Highway Division, and one copy each to the Office of the County Executive; Director, Budget Management & Finance; and Office of the Comptroller.

MR. DEBENEDETTI moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 37 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 22E-29 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 481

Re: County Funding for Community Programs and Events.

WHEREAS, two not-for-profit organizations, which provide important community programs in Buffalo and Erie County, have requested funds for programs and events that have been determined to be important to the social and economic quality of life in our community, and these activities provide our residents and visitors from other areas with opportunities to participate in special community happenings, as well as enhance the abilities of these groups to increase their program capabilities; and

WHEREAS, each of these organizations, the Community Action Organization of Erie County, Inc., and Buffalo Place Inc., has a demonstrated track record of program accomplishment and management expertise; and

WHEREAS, these 2004 activities, which include the Community Action Organization's oversight of the Johnnie B. Wiley Sports Pavilion programs, and Buffalo Place's "Buffalo Bike Blast 2004", attract thousands of attendees and generate important economic benefits for our community and each respective organization,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreements to provide funds, as specified below, to the Community Action Organization of Erie County, Inc. and Buffalo Place, Inc. for their respective events and activities as noted above; and be it further

RESOLVED, that the source of funds for these agreements, which total \$65,000, were re-appropriated in the Economic Development/Tourism Fund in Cost Center 1335010, and these funds shall be transferred to Cost Center 1332010, Community/Neighborhood Development Agencies, to be further designated as

Community Action Organization of Erie County, Inc.	
Johnnie B. Wiley Sports Pavilion	\$15,000

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Buffalo Place, Inc. "Buffalo Bike Blast 2004"	\$50,000
--	----------

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the County Comptroller; the Director of the Division of Budget, Management, and Finance; the Commissioner of the Department of Environment and Planning; L. Nathan Hare, Executive Director, Community Action Organization of Erie County, Inc., 70 Harvard Place, Buffalo, New York 14209; and Michael T. Schmand, Executive Director, Buffalo Place, Inc., 671 Main Street, Buffalo, New York 14203.

MR. DEBENEDETTI moved the approval of the resolution. MS MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 38 – MS. MARINELLI moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Intro. 22-11 (2004). MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 482

Re: Legislature – Professional Services.

A RESOLUTION SUBMITTED BY  
 LEGISLATORS HOLT AND MARINELLI

WHEREAS, from time to time, the County of Erie retains consultants and professionals who provide specialized professional services to the County, and

WHEREAS, the Legislature has determined that it is in the best interests of the taxpayers that the Legislature retain a professional financial and budgetary consultant to assist the Legislature in analyzing, reviewing and monitoring Erie County financial and budgetary matters,

NOW, THEREFORE, BE IT

RESOLVED,

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

- **ADD** the following as the third WHEREAS Clause:

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, given the significant fiscal and budgetary difficulties facing Erie County and its taxpayers, including a projected \$130 million deficit for 2005, it is necessary to retain a professional consultant with specialized knowledge in municipal and local government budgeting to assist the Legislature in analyzing and interpreting the proposed 2005 Budget,

- **DELETE** the first (1st) RESOLVE Clause in its entirety and **REPLACE** with the following:

RESOLVED, that the Erie County Legislature is hereby authorized to hire, at a rate of \$20,000, James Hartman, to serve as a budget consultant to the legislature for the period September 1, 2004 to December 31, 2004, and be it further

RESOLVED, that because this special service is needed immediately, the County Administrative Code requirement in Section 19.08 for a request for proposals is hereby waived, and be it further

RESOLVED, that the source of funding for this consultant is from the Legislature Other Expenses Account, Fund Center 100, Commitment Item 530000, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, Director of Budget, Management and Finance, County Comptroller, County Attorney, and Chief-of-Staff of the Erie County Legislature.

Fiscal Impact: \$20,000.

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. NOES: CUSACK, MARSHALL, McCARVILLE & RANZENHOFER, (AYES 11, NOES 4).

CARRIED.

Item 39 – MS. MARINELLI moved to discharge the GOVERNMENT AFFAIRS COMMITTEE from further consideration of Intro. 22-15 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 483

Re: Establishing a Formal Policy for Whistleblowing Concerning Erie County Government.

A RESOLUTION SUBMITTED BY  
 LEGISLATOR MARINELLI

WHEREAS, federal, state, county, city, town and village governments and other governmental entities and agencies across the county maintain formal, written provisions, rules and regulations concerning their employees and officers and providing for the promotion of, and protection for those persons who report wrongdoing, malfeasance, and violations of the public trust by government employees or officers, and

WHEREAS, Section 75-b of the New York State Civil Service Law guarantees protection to public employees regarding their employment, stating: "A public employer shall not dismiss or take other disciplinary or other adverse personnel action against a public employee regarding the employee's employment because the employee discloses to a governmental body information: (i) regarding a violation of a law, rule or regulation which violation creates and presents a substantial and specific danger to the public health or safety; or (ii) which the employee reasonably believes to be true and reasonably believes constitutes an improper governmental action. "Improper governmental action" shall mean any action by a public employer or employee, or an agent of such employer or employee, which is undertaken in the performance of such agent's official duties, whether or not such action is within the scope of his employment, and which is in violation of any federal, state or local law, rule or regulation," and

WHEREAS, despite and notwithstanding this state law, the County of Erie maintains no provision to protect "whistleblowing" or "whistleblowers" in the Erie County Charter, Administrative Code, nor Erie County Personnel Policies and Procedures, and

WHEREAS, given recent scandals in County government, including in particular, the matter involving the Erie County Department of Public Works (Aurora Barn matter), in which County employees in competitive-class, civil service positions who informed County managers and at least one County Legislator of wrongdoing and malfeasance on the part of other County employees in managerial-confidential positions were later inappropriately and illegally subjected to harassment, demotion, transfer and suffered the loss of overtime and other benefits, there is an urgent need to rectify and correct this glaring omission, and

WHEREAS, for instance, in the DPW Aurora scandal, a Special Grand Jury found that "... It remains that certain employees were harmed by an abuse of the disciplinary process. Some of these employees tried to speak out about questionable practices long before there were any audits, internal reviews, or complaints by other officials. Instead of being applauded as good public servants, they were rewarded with lost wages, punitive transfers, haranguing, immeasurable anxiety, and litigation costs" and

WHEREAS, the Special Grand Jury made two major recommendations regarding whistleblowing, with the first recommendation requiring action by the Executive: "The administration should develop a formalized procedure to examine allegations of serious misconduct in the county workforce. There should at least be a memorandum or writing reflecting when a commissioner of higher official first learns of an allegation, and who is to look into it. The matter should not be considered closed until a report is written stating the steps taken and the conclusion reached or why a conclusion could not be reached. An executive level official should then determine

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

what, if anything else should be done and should consider whether the matter should be referred to a police agency” and

WHEREAS, the Grand Jury’s second recommendation applied to the Legislature: “The Legislature should formalize a procedure for following up on allegations of misconduct that come to the attention of any legislator. A legislator who refers a matter to a department in the executive branch should insist on a written report detailing how the matter was addressed. That report should then be forwarded to the appropriate legislative committee. If no report is received, the Legislature should consider conducting its own investigation. The Legislature is not a disciplinary arm of the executive branch. Nevertheless, it must deal with matters that come to its attention”

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature reaffirms to all County employees, managers and elected officials their rights and responsibilities under Section 75-b of the Civil Service Law, and be it further

RESOLVED, that, in the wake of, and as a direct response to the Department of Public Works Aurora Barn matter, the Erie County Legislature does hereby express and announce its support for the establishment of a formal whistleblower policy for Erie County government within, and as an addendum to the Erie County Personnel Policies and Procedures and which applies to all county employees, and be it further

RESOLVED, that this new whistleblower policy is attached, and shall immediately, upon passage by this Honorable Body, become Section 25 of Chapter X of Erie County Personnel Policies and Procedures, and the Commissioner of Personnel is directed to announce the new policy in writing, through interoffice mail and electronic mail, and through posting on the Erie County website, of this new whistleblower policy, and be it further

RESOLVED, that the Erie County Legislature reiterates that the Erie County Comptroller currently holds responsibility and oversight for monitoring “waste, abuse, employee or vendor misconduct” and encourages County employees or other persons who become aware of misconduct, malfeasance or violations of the public trust to consider reporting such to the Office of the Comptroller, and be it further

RESOLVED, that the Erie County Legislature, cognizant of the findings and recommendations of the Special Grand Jury in the DPW Aurora matter, directs the Executive Branch to report to the Legislature with a written report detailing any new whistleblower procedures and policies established by the administration for all County departments and employees as well as any other non-County persons as a result of the Aurora matter and the Special Grand Jury’s report, and be it further

RESOLVED, that the Erie County Legislature, cognizant of the findings and recommendations of the Special Grand Jury in the DPW Aurora matter, does hereby address and comply with the Grand Jury’s recommendation regarding whistleblower or any other complaints that come to the attention of a Legislator through the establishment of a policy whereby any complaints

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

that come to the attention of a Legislator shall be entered into the public record through clock-in at the Legislature, and sent to the Legislature's Government Affairs Committee for discussion and appropriate action and follow-up by the administration and/or Comptroller or Legislature, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, County Attorney, Commissioner of Personnel.

**Fiscal Impact:** None for this resolution.

MR. RANZENHOFER moved to amend the resolution. MR. McCARVILLE seconded.

CHAIRMAN HOLT directed that the amendment (Intro. 23-9) be referred to the GOVERNMENT AFFAIRS COMMITTEE.

MR. RANZENHOFER Challenges the Chair.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 7, NOES 8).

GRANTED.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**SUSPENSION OF THE RULES**

Item 40 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the PUBLIC SAFETY COMMITTEE.

GRANTED.

Comm. 23D-16 FROM THE DEPARTMENT OF ENVIRONMENT AND PLANNING Re: Restoring the Fire Tower Contract.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Item 41 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

Comm. 23E-34 From CHAIRMAN HOLT Re: Appointing Legislator Wroblewski to the Finance & Management – Budget Committee.

RECEIVED, FILED & PRINTED.

November 4, 2004

Kevin M. Kelley Clerk  
Erie County Legislature  
92 Franklin Street  
Buffalo, New York 14202

Dear Mr. Kelley:

Pursuant to Rule No. 3.02 of the Erie County Legislature's 2004 Rules of Order, I hereby appoint Legislator Timothy M. Wroblewski as an additional member of the Finance & Management -Budget Committee.

Sincerely,

GEORGE A. HOLT, JR.  
Chairman

cc: Legislator Timothy M. Wroblewski

Item 42 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Comm. 23E-35 FROM LEGISLATOR CHASE Re: Update on 2004 Road Projects.

**COMMUNICATIONS FROM ELECTED OFFICIALS**

**FROM LEGISLATOR CUSACK**

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Item 43 – (Comm. 23E-1) Letter to Legislator Schroeder Re: Comm. 16M-7 & Comm. 19M-26 Western Erie Canal Heritage Corridor Reports.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM LEGISLATOR McCARVILLE

Item 44 – (Comm. 23E-2) Explanation for Abstention on Vote for Comm. 21E-35.

RECEIVED, FILED & PRINTED.

October 21, 2004

Hon. George A. Holt, Jr.  
Chairman, Erie County Legislature  
Old County Hall – 4<sup>th</sup> Floor  
92 Franklin Street  
Buffalo, NY 14202

Dear Chairman Holt:

Pursuant to the Rules of Order for the Erie County Legislature, please allow this letter to serve as my explanation for my abstention on the vote for Comm. 21 E-35.

At present, I am employed part-time by Accident Reconstruction Plus, a TVGA Consultants Company, but my duties for Accident Reconstruction Plus do not directly involve the procurement, preparation, or performance of any contract between TVGA Consultants and the County of Erie. In addition, any wages that I receive from employment with Accident Reconstruction Plus are in no way directly affected by any contract between TVGA Consultants and Erie County.

I trust that the above will suffice.

Thank you.

Very truly yours,

Steven P. McCarville  
Erie County Legislator  
13th District

cc: Kevin Kelley  
Clerk, Erie County Legislature

FROM THE COMPTROLLER

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Item 45 – (Comm. 23E-3) Copy of Letter to ECMC CEO Re: Hospital Finances.

Item 46 – (Comm. 23E-4) Apportionment & Distribution of 4% Sales Tax for 10/04.

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

**FROM THE COUNTY EXECUTIVE**

Item 47 – (Comm. 23E-5) Letter to Legislator Marinelli Re: Accounts Receivable Management Consultant Agreement with Lawrence W. Smith (Comm. 17E-14).

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

**FROM LEGISLATOR SWANICK**

Item 48 – (Comm. 23E-6) Letter to Clerk of Legislature Re: Absence From Public Safety Committee Meeting on 10/28/04.

Item 49 – (Comm. 23E-7) Letter to Clerk of Legislature Re: Absence From Economic Development Committee Meeting on 10/28/04.

The above two items were received and filed.

**FROM THE COUNTY EXECUTIVE**

Item 50 – (Comm. 23E-8) Probation – EC Family Juvenile Drug Court Diversion to Treatment Program Grant Agreement with NYS Unified Court System.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 51 – (Comm. 23E-9) ECSD Nos. 4 & 6 – Engineering Service Agreements – Greenman-Pedersen – Comm. 18E-41, Change Order No.1.

Item 52 – (Comm. 23E-10) ECSD Nos. 2, 4 & 6 – Engineering Service Agreements – Comm. 18E-41 – URS Corporation.

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 53 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 484

Re: District Attorney – Transfer of

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Funds. (Comm. 23E-11)

WHEREAS, the District Attorney's Office incurs maintenance and repair costs on various equipment and vehicles within a given year, and

WHEREAS, the actual expenses to be incurred in 2004 for Commitment Item 506200, Maintenance and Repair, are expected to exceed estimated budgeted amounts approved in the 2004 appropriations,

NOW, THEREFORE, BE IT

RESOLVED, that within Fund 110, Fund Center 11400; the sum of \$2,000 is hereby transferred from Commitment Item 516020, Professional Contracts and Fees, to Commitment Item 506200, Maintenance and Repair, in the 2004 budget of the District Attorney's Office, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County Executive, Erie County District Attorney, the Erie County Comptroller and the Director of Budget, Management and Finance.

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 54 (Comm. 23E-12) Authorization for Empire Zone Sales Tax Exemption.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 55 (Comm. 23E-13) Probation & CPS – Juvenile Accountability Incentive Block Grant Contract with NYS Division of Criminal Justice Services.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 56 (Comm. 23E-14) Removal of Steuben Foods Rail Crossing on Maple Street, Town of Elma.

Item 57 (Comm. 23E-15) Agreement to Share Services with Local Municipalities.

Item 58 (Comm. 23E-16) Roof Replacement – School 84 at EJ Meyer Site.

The above three items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 59 (Comm. 23E-17) Senior Services – Authorization to Establish Partnership for Falls Prevention Grant.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 60 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 485

Re: Appointment of Director of ECMCC.  
(Comm. 23E-18)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Ms. JoAnne Marie Campagna located at 900 Delaware Avenue, #503, Buffalo, New York 14209 as a Director of the Erie County Medical Center Corporation for a term to expire December 31, 2005.

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 61 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 486

Re: Appointment to EC Council on the  
Disabled. (Comm. 23E-19)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Mr. Bradford R. Watts located at 352 Phyllis Avenue, Buffalo, New York 14215 to the Erie County Council on the Disabled for a term to expire June 30, 2005.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 62 (Comm. 23E-20) Appointment to EC Board of Ethics.

RECEIVED, FILED & PRINTED.

November 1, 2004

The Honorable  
Erie County Legislature  
25 Delaware Avenue  
Buffalo, New York 14202

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Re: Appointment to Erie County Board of Ethics

Honorable Members:

Pursuant to the provisions of Local Law No.4 -1989, I, Joel A. Giambra, Erie County Executive, do hereby submit for your information the following appointment to the Erie County Board of Ethics.

NAME & ADDRESS

TERM EXPIRES

Joseph P. DiVincenzo  
 25 Krantz Lane  
 Getzville, New York 14068

December 31, 2007

Respectfully submitted,

JOEL A. GIAMBRA  
 ERIE COUNTY EXECUTIVE

JAG/jda

cc: Appointee  
 David Mineo, Chairman, Board of Ethics

Item 63 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 487

Re: Appointment to Buffalo & Erie  
 County Historical Society Board of  
 Managers. (Comm. 23E-21)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Mr. Anthony N. Diina located at 193 Huntington Avenue, Buffalo, New York 14214 to the Buffalo & Erie County Historical Society Board of Managers for a term to expire December 31, 2006.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 64 (Comm. 23E-22) DISS – Installation Services – WNY Computing Systems.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 65 (Comm. 23E-23) ECSD No. 3 – EC Sewer Agency Report – Proposed Village of Hamburg Extension (2004).

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Item 66 (Comm. 23E-24) ECSD No. 3 – Milestrip Road Sanitary Sewer Modification – Contract Closeout.

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 67 (Comm. 23E-25) Roof Repairs – Emergency Response Services – All County-Owned Buildings, Contract Allowance Increase.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 68 (Comm. 23E-26) Health – Supplemental Aid to Localities Grant – Medical Examiner's Toxicology Laboratory – 4/1/04 – 9/15/06.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 69 (Comm. 23E-27) EC/Southtowns Sewage Treatment Agency -Oxygen Generation System Replacement Contract – Contract Close Out – Praxair.

Item 70 (Comm. 23E-28) ECSD No.3 – Authorization of Easement Acquisition – Greenmeadow Pumping Station Elimination, Town of Orchard Park.

Item 71 (Comm. 23E-29) ECSD No.2 – Transfer of Funds – Increase in Utility Costs.

Item 72 (Comm. 23E-30) OPEN ITEM: Sewer District Bond Authorization.

The above four items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 73 (Comm. 23E-31) Authorization to Accept HUD Grant in Amount of \$236,220.

Received and referred to the HUMAN SERVICES COMMITTEE.

**FROM THE SHERIFF**

Item 74 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 488

Re: Transfer of Funds. (Comm. 23E-32)

WHEREAS, the conversion to the SAP computer system has resulted in a reassignment of expenses to new commitment items, and

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

WHEREAS, it is now necessary to transfer the budgeted dollars to the proper commitment item and,

WHEREAS, The Erie County Sheriff's Office is mandated to provide medical services to inmates at the Erie County Holding Center and the Erie County Correctional Facility, and

WHEREAS, budgeted funds for the year 2004 are not sufficient to provide for the anticipated expenses in these accounts for the balance of the year, and

WHEREAS, funds are available in various other accounts to cover these shortages.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized:

<b><u>Appropriation</u></b>	<b><u>Decrease</u></b>
Business Area 115 – Sheriff's Division	
Commitment Item 505200 – Clothing Supplies	\$ 25,000
Business Area 116 – Jail Management Division	
Commitment Item 505200 – Clothing Supplies	\$ 100,000
Commitment Item 505400 – Food & Kitchen Supplies	\$ 30,000
Commitment Item 516020 – Professional Services & Fees	\$ 20,000
Commitment Item 545000 – Rental Charges	<u>\$ 3,500</u>
<b>TOTAL DECREASE</b>	<b>\$ 178,500</b>
<b><u>Appropriation</u></b>	<b><u>Increase</u></b>
Business Area 115 – Sheriff's Division	
Commitment Item 505000 – Office Supplies	\$ 2,000
Commitment Item 506200 – Maintenance & Repair	\$ 20,000
Commitment Item 510200 – Training & Education	\$ 2,000
Business Area 116 – Jail Management Division	
Commitment Item 505800 – Medical & Health Supplies	\$ 143,500
Commitment Item 506200 – Maintenance & Repair	\$ 10,000
Commitment Item 510200 – Training & Education	<u>\$ 1,000</u>
<b>TOTAL INCREASE</b>	<b>\$ 178,500</b>
<b>NET IMPACT</b>	<b><u>\$ 0.00</u></b>

and be it further,

RESOLVED, that certified copies be forwarded to the Division of Budget, Management, and

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Finance, the Erie County Comptroller's Office and the Office of the Sheriff for implementation.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 75 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 489

Re: Sheriff's Office – Federal Family  
 Violence Prevention & Services Grant.  
 (Comm. 23E-33)

WHEREAS, the State of New York, Office of Children and Family Services, has awarded \$34,680 to The Erie County Sheriff's Office to participate in the Federal Family Violence and Prevention Grant, and

WHEREAS, these funds will be used to reimburse the County for half the salary and all benefits of one (1) Receptionist, to provide an immediate response to victims of domestic violence, and

WHEREAS, these funds will allow the Sheriff's Office to purchase equipment and supplies to maintain a Satellite Domestic Violence Office in the Town of Evans and provide necessary training and equipment to the Sheriff's Deputies and Domestic Violence Advocates currently assigned to the Sheriff's Domestic Violence Unit.

NOW, THEREFORE, BE IT

RESOLVED, that the County is hereby authorized to enter into a contract with the State of New York, Office of Children and Family Services and is authorized to accept funding in the amount of \$34,860, and be it further

RESOLVED, that authorization is hereby provided to budget those funds in the grant fund as follows:

SHERIFF'S OFFICE - GRANT FUND  
 Federal Family Violence and Prevention Services Grant

<u>REVENUE</u>	<u>Increase</u>
Commitment Item 409020 – Miscellaneous State Aid	34,860
TOTAL REVENUE	<u>\$ 34,860</u>

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

<u>APPROPRIATIONS</u>	<u>Increase</u>
Commitment Item 500000 – Full Time Salaries	13,360
Commitment Item 502000 – Fringe Benefits	9,221
Commitment Item 505000 – Office Supplies	1,500
Commitment Item 510000 – Local Mileage	750
Commitment Item 510200 – Training & Education	3,378
Commitment Item 530000 – Other Expenses	474
Commitment Item 545000 – Rental Charges	1,800
Commitment Item 561410 – Lab & Tech Equipment	<u>4,377</u>
<b>TOTAL APPROPRIATIONS</b>	<b><u>\$ 34,860</u></b>

and it be further

RESOLVED, that certified copies be forwarded to the Division of Budget, Management and Finance, the Department of Personnel, the Office of the Comptroller and the Office of the Sheriff for implementation.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**COMMUNICATIONS FROM THE DEPARTMENTS**

FROM THE COUNTY ATTORNEY

Item 76 (Comm. 23D-1) Letter to Chairman Holt Re: Intro. 22-11.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 77 (Comm. 23D-2) DPW Complaint Distribution Response Form - 10/5/04 Accident.

Received and filed.

FROM DPW

Item 78 (Comm. 23D-3) Complaint Distribution Response Form – Property Located at 5811 Seneca Street, Town of Elma.

Received and filed.

FROM ECC

Item 79 (Comm. 23D-4) Agenda for Meeting of the Board of Trustees Held 10/26/04.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Received and filed.

FROM THE COUNTY ATTORNEY

Item 80 (Comm. 23D-5) Notice of Public Hearing for Local Law Intro. No. 11-2004.

RECEIVED, FILED & PRINTED.

**NOTICE IS HEREBY GIVEN** that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Friday, November 5, 2004 at 10:00 a.m., concerning:

A LOCAL LAW defining special or outside counsel and lobbyists, and requiring their disclosure and hiring only after a request for proposal (RFP) has been conducted, and prior approval granted by the Erie County Legislature.

The hearing will be held at the Erie County Executive's office, 95 Franklin Street, 16th Floor, in the City of Buffalo, New York.

On October 21, 2004, the Erie County Legislature adopted Erie County Local Law Intro. No. 11 of 2004. Copies of the proposed local law are available for public inspection in the office of the Clerk of the Erie County Legislature, on the 7<sup>th</sup> Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA  
Erie County Executive

FROM DEP

Item 81 (Comm. 23D-6) SEQR -Lead Agency Status – Contract 37, Didion & Brunck Roads Sanitary Sewer, Town of Lancaster.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECMCC

Item 82 (Comm. 23D-7) Letter to County Executive & Chairman Holt Re: 2004 Capital Funds Owed to ECMCC.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM DPW

Item 83 (Comm. 23D-8) Complaint Response Re: Comm. 23D-2.

Received and filed.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

FROM THE CLERK OF THE LEGISLATURE

Item 84 (Comm. 23D-9) Memo Re: Clock-In Deadline for Regular Session to be Held 11/4/04.

RECEIVED, FILED & PRINTED.

DATE: October 26, 2004  
 TO: All Erie County Legislators & Staff  
 FROM: Kevin Kelley, Clerk  
 RE: CLOCK-IN DEADLINE FOR REGULAR SESSION  
 TO BE HELD NOVEMBER 4, 2004

---

Rule No. 2.33 of the Legislature's Rules of Order specifically states that "*... all petitions, resolutions, offers or communications of whatever nature shall be submitted to the Clerk of the Legislature before 11:00 a.m., two business days prior to a regular meeting date...*".

Due to the fact that Tuesday, November 2, 2004 is a County holiday, the official clock-in deadline, for the Regular Session to be held November 4, 2004 will be **Monday, November 1, 2004 at 11:00 a.m.**

Be advised that items clocked-in after 11:00 a.m. on November 1<sup>st</sup> may not be addressed until the next regular Session scheduled for November 18, 2004.

Please contact me if you have any questions.

c: Hon. Joel A. Giambra, Erie County Executive  
 Hon. Prank J. Clark, Erie County District Attorney  
 Hon. Patrick M. Gallivan, Erie County Sheriff  
 Hon. Nancy a. Naples, Erie County Comptroller  
 Hon. David J. Swarts, Erie County Clerk  
 Other Interested Parties

FROM ECMCC

Item 85 (Comm. 23D-10) Financial Statements for 9/04.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 86 (Comm. 23D-11) Notice of Claims.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECC

Item 87 (Comm. 23D-12) Minutes of Meeting Held 9/29/04.

Received and filed.

FROM BUDGET, MANAGEMENT & FINANCE

Item 88 (Comm. 23D-13) Letter to Government Affairs Committee Members Re: Response to Comm. 22E-2.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 89 (Comm. 23D-14) Bolton-St Johns, Lobbyist Report.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM SENIOR SERVICES

Item 90 (Comm. 23D-15) Copy of E-Mail to Legislators From Commissioner Re: Impact of Budgetary Cuts to Non-Mandated Services.

Received and referred to the HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

FROM THE EC BAR ASSOCIATION – AID TO INDIGENT PRISONERS SOCIETY

Item 91 (Comm. 23M-1) Report of the Assigned Counsel Program - 3<sup>rd</sup> Quarter.

Received and filed.

FROM SENATOR RATH

Item 92 (Comm. 23M-2) Receipt of Certified Resolution.

Received and filed.

FROM THE TOWN OF COLDEN

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Item 93 (Comm. 23M-3) Certified Resolution Re: Continuance of Service by EC Sheriff's Department.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM CONGRESSWOMAN SLAUGHTER

Item 94 (Comm. 23M-4) Receipt of Resolution.

Received and filed.

FROM KEITH PARTON

Item 95 (Comm. 23M-5) Letter to Legislature Leaders Re: County Finances.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE TOWN OF EVANS

Item 96 (Comm. 23M-6) Certified Resolution Re: Support for State Legislation Regarding Agriculture.

Received and filed.

FROM EC REPUBLICAN COMMITTEE CHAIRMAN

Item 97 (Comm. 23M-7) Recommendation for GOP Election Commissioner.

RECEIVED, FILED & PRINTED.

Election Commissioner Certification

To the Clerk of the County Legislature, County of Erie:

I, Robert E. Davis, certify that at a meeting of the county committee members of the Erie County Republican Committee, held on the 20<sup>th</sup> day of September, 2004, at Hearthstone Manor located at 333 Dick Road, Depew, New York 14043, under the provisions of the election law of the state of New York and the rules of the Erie County Republican Committee, a quorum being present,

Ralph M. Mohr, residing at 5622 Broadway Street, Lancaster, New York 14086

was unanimously recommended by said committee as a suitable and qualified person for appointment to the public office of Commissioner of Elections for a full four year term commencing January 1, 2005 and ending December 31, 2008, and that said designee is a registered voter of the County of Erie and a duly enrolled member of the Republican Party.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Dated at Buffalo, New York  
 September 30, 2004

---

Robert E. Davis, Chairman  
 Erie County Republican Committee

State of New York)  
 County of Erie ) ss.:

On the 30<sup>th</sup> day of September in the year 2004, before me, the undersigned, personally appeared Robert E. Davis, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

---

Notary Public – State of New York  
 Bradley J. Stamm  
 #02ST5064175  
 Notary Public, State of New York  
 Qualified in Erie County  
 My Commission Expires Aug. 12, 06 .

**FROM ECCRAB**

Item 98 (Comm. 23M-8) ECCRAB's 2005 Cultural Funding Report.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM SENATOR RATH**

Item 99 (Comm. 23M-9) Receipt of Certified Resolution.

Received and filed.

**FROM NFTA**

Item 100 (Comm. 23M-10) Board Minutes From Meeting Held 10/27/04.

Received and filed.

**FROM THE EC DEMOCRATIC COMMITTEE CHAIRMAN**

Item 101 (Comm. 23M-11) Recommendation for Democratic Election Commissioner.

RECEIVED, FILED & PRINTED.

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Certificate of Recommendation Chairman Democratic Election Commissioner

To the Clerk of the County Legislature, County of Erie:

I, Leonard R. Lenihan, Jr., being duly elected Chairman Erie County Democratic Committee Executive Committee, do hereby certify that at a meeting of the biennial reorganization meeting of the Erie County Democratic Committee, duly convened and held at Kleinhans Music Hall, 71 Symphony Circle in the City of Buffalo, County of Erie, and State of New York on the 23<sup>rd</sup> of September, 2004, under the provisions of the Election Law of the State of New York and the rules of the Erie County Democratic Committee, a quorum of committee members, duly elected at the Democratic primary election held on September 14, 2004 being present,

**Dennis E. Ward, residing at 210 Capen Blvd., Amherst, NY 14226**

was unanimously recommended by said committee as a suitable and qualified person for appointment to the public office of Commissioner of Elections for a full four year term commencing January 1, 2005 and ending December 31, 2008, and that said designee is a registered voter of the County of Erie and a duly enrolled member of the Democratic Party.

Dated in Buffalo, NY  
 October 29, 2004

---

Leonard R. Lenihan, Jr., Chairman  
 Erie County Democratic Committee

State of New York:  
 County of Erie ss.  
 City of Buffalo

On this 29<sup>th</sup> day of October, 2004, before me, the undersigned, a notary public/commissioner of deeds in and for said state, personally appeared Leonard R. Lenihan, Jr., Chairman, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals described therein, and who executed the foregoing instrument, and acknowledged to me that they executed the same for the purposed therein mentioned.

---

Notary Public/~~Commissioner of Deeds~~  
 Mark C. Poloncarz  
 County of Erie  
 State of New York  
 My Commission Expires  
 May 20<sup>th</sup>, 2006

FROM ECIDA

**MEETING NO. 23**  
**November 4, 2004**

**ERIE COUNTY LEGISLATURE**

Item 102 (Comm. 23M-12) Notice of Meeting to be Held 11/10/04.

Received and filed.

**MEMORIAL RESOLUTIONS**

None.

**ADJOURNMENT**

Item 103 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, November 18, 2004. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, November 18, 2004 at 2 p.m. Eastern Standard Time.

**KEVIN M. KELLEY**  
**CLERK**